



NAVAL POSTGRADUATE SCHOOL

MONTEREY, CALIFORNIA

THESIS

**HUMAN RIGHTS AND UNITED STATES MILITARY
HUMANITARIAN AND CIVIC ASSISTANCE IN
LATIN AMERICA**

by

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June 2004

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REPORT DOCUMENTATION PAGE			<i>Form Approved OMB No. 0704-0188</i>	
Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0188) Washington DC 20503.				
1. AGENCY USE ONLY (Leave blank)		2. REPORT DATE June 2004	3. REPORT TYPE AND DATES COVERED Master's Thesis	
4. TITLE AND SUBTITLE: Human Rights and United States Military Humanitarian and Civic Assistance in Latin America			5. FUNDING NUMBERS	
6. AUTHOR(S) Shimotsu, John M.				
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) Naval Postgraduate School Monterey, CA 93943-5000			8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING /MONITORING AGENCY NAME(S) AND ADDRESS(ES) N/A			10. SPONSORING/MONITORING AGENCY REPORT NUMBER	
11. SUPPLEMENTARY NOTES The views expressed in this thesis are those of the author and do not reflect the official policy or position of the Department of Defense or the U.S. Government.				
12a. DISTRIBUTION / AVAILABILITY STATEMENT Approved for public release; distribution is unlimited.			12b. DISTRIBUTION CODE A	
13. ABSTRACT (maximum 200 words) The thesis evaluates the extent to which human rights were promoted in United States Military Humanitarian and Civic Assistance exercises in Latin America. This is important because the promotion of human rights is a stated foreign policy goal, even in security cooperation programs. It will be argued that a human rights focus matters in the selection of training objectives, engagement in the interagency process, and coordination with the host nation. Comparative case analysis of Opening Roads-Ecuador 1987 and New Horizons-Nicaragua 1999 indicates that the post-Cold War US military is implementing some principles congruent with a human rights perspective, such as promoting sustainable development and good governance.				
14. SUBJECT TERMS Human rights, United States military, humanitarian, civic assistance, Latin America, "Opening Roads," "New Horizons"			15. NUMBER OF PAGES 89	
			16. PRICE CODE	
17. SECURITY CLASSIFICATION OF REPORT Unclassified	18. SECURITY CLASSIFICATION OF THIS PAGE Unclassified	19. SECURITY CLASSIFICATION OF ABSTRACT Unclassified	20. LIMITATION OF ABSTRACT UL	

NSN 7540-01-280-5500

Standard Form 298 (Rev. 2-89)
Prescribed by ANSI Std. Z39-18

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CIVIC ASSISTANCE IN LATIN AMERICA**

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Submitted in partial fulfillment of the
requirements for the degree of

MASTER OF ARTS IN NATIONAL SECURITY AFFAIRS

from the

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ABSTRACT

The thesis evaluates the extent to which human rights were promoted in United States Military Humanitarian and Civic Assistance exercises in Latin America. This is important because the promotion of human rights is a stated foreign policy goal, even in security cooperation programs. It will be argued that a human rights focus matters in the selection of training objectives, engagement in the interagency process, and coordination with the host nation. Comparative case analysis of Opening Roads-Ecuador 1987 and New Horizons-Nicaragua 1999 indicates that the post-Cold War US military is implementing some principles congruent with a human rights perspective, such as promoting sustainable development and good governance.

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ACKNOWLEDGMENTS

I am grateful for the encouragement and direction provided by my thesis advisors, Professor Karen Guttieri and Professor Harold Trinkunas. Professor Jessica Piombo also provided generous assistance with commentary on a draft of the thesis. Major David Tavassoli, the United States Southern Command Humanitarian and Civic Assistance Program Manager, helped with important documents. Admiral Phil Quast, Mr. John Christiansen, and Major Christopher Smith all provided helpful insights from their experiences.

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I. INTRODUCTION

The occupation of Veracruz, Mexico from May to November 1914 by the United States military included the most comprehensive, if not the earliest example in Latin America of the types of activities characteristic of military humanitarian assistance. In the face of an abysmal health and sanitation situation rife with malaria, tuberculosis, and dysentery Army medical officers concluded that unless the conditions changed, there would be high rates of disease and death among the soldiers.¹ Without the assistance of the local government, the army carried out programs to collect refuse, control malaria, clean latrines, kill vermin, provide vaccinations to the local population and enforce sanitation standards in Veracruz. The results were impressive, with a decline in the local death rate and the troops being no more susceptible to disease than they would in the US.² But the results were also ephemeral, since the withdrawal of the US forces meant the end of their programs. It was only a matter of weeks before “it was difficult to tell that the Americans had ever occupied the city.”³

An emphasis on the speed of implementing projects that provide some benefit to the local population, rather than the sustainability of the projects once the American forces depart has continued over the years. This is evident in the counterinsurgency strategy, dating from the 1960s, of winning the hearts and minds of local populations by seeing to the provision of their basic needs, such as potable water and healthcare. These projects, many of which were initiated and carried out by service members who had a genuine interest in the well being of the local people, were characterized by doing what could be done with what was available. The undertakings were implemented quickly and would continue as long as military units were available to provide the assistance. The US military’s Humanitarian and Civic Assistance (HCA) programs include a statutory requirement to provide training for American armed forces in their occupational specialty, and that the projects neither duplicate nor compete with other American foreign

¹ Robert E. Quirk. *An Affair of Honor: Woodrow Wilson and the Occupation of Veracruz*. (New York: W. W. Norton & Company, 1967). 129.

² Ibid., 138.

³ Ibid., 171.

assistance efforts. Military humanitarian assistance programs have tended to focus on meeting training objectives (in construction, for example) rather than forging a relationship with civilian partners such as the U.S. Agency for International Development. Evaluation of military humanitarian assistance conducted in the past twenty years point to high levels of satisfaction by the military participants in being able to better the lives of people in developing countries⁴. However, these same evaluations also bring shortcomings to light. In some cases, projects intended to foster goodwill led to suspicion and hostility. In numerous cases clinics, roads, or schools were constructed that were never used.⁵ In most instances, coordination with representatives of the host nation was limited to approving the project, with minimal involvement in planning, execution, or evaluation.⁶

Aid agencies and non-governmental organizations have criticized military units from a number of countries, including the United States, for providing assistance that was “unsustainable and damagingly short term” as well as “inappropriate for the conditions and the target populations.”⁷ Such critiques point to some of the differences between military humanitarian assistance programs and those provided by non-governmental, inter-governmental, and civilian governmental organizations. Military humanitarian assistance projects usually span only a few months while the work of their civilian counterparts may last for years. Political and training objectives guide the former while principles of neutrality and impartiality often direct the latter, particularly those of non-governmental organizations.⁸ Another dissimilarity is that, until recently, changes in relief and development thinking have altered civilian but not military policies.

⁴ Jeffrey E. Drifmeyer and Craig H. Llewellyn, *U.S. Participants Perspectives on Military Medical Humanitarian Assistance*, Measures of Effectiveness 02-04 (Bethesda: Center for Disaster and Humanitarian Assistance Medicine, 2002), 7.

⁵ General Accounting Office, *Department of Defense: Weaknesses in Humanitarian and Civic Assistance Programs* (Washington, D.C.: General Accounting Office, 1994), 5.

⁶ Jeffrey E. Drifmeyer and Craig H. Llewellyn, *Host Nation Participants Perspectives on Military Medical Humanitarian Assistance*, Measures of Effectiveness 02-05 (Bethesda: Center for Disaster and Humanitarian Assistance Medicine, 2002), 1.

⁷ Jane Barry and Anna Jefferys. *A Bridge Too Far: Aid Agencies and the Military in Humanitarian Response*. Humanitarian Practice Network Paper, No.37.(January 2002). Available online: www.reliefweb.int/w/lib.asp Accessed 24 October 2003. 13.

⁸ Jeffrey E. Drifmeyer and Craig H. Llewellyn, *Overview of Overseas Humanitarian Assistance, Humanitarian and Civic Assistance, and Excess Property Programs*. Measures of Effectiveness 02-01 (Bethesda: Center for Disaster and Humanitarian Assistance Medicine, 2002), 8.

Disaster relief efforts in the 1960s, whether provided by civilian or military personnel focused on meeting immediate needs of people in distress. However, over the course of the decades, civilian organizations have linked disaster relief with economic development. Between the 1970s and the mid 1990s, critiques of disaster relief efforts led to significant changes in how civilian agencies plan disaster relief. These changes sought to address the unintended adverse consequences of relief efforts on a recipient nation's economic development, such as the impact of the distribution of used clothing on textile industries and food on local agricultural enterprises.⁹ Policies that linked relief and development were initially adopted by a few non-governmental organizations, including the Oxford Committee for Famine Relief and Catholic Relief Services, in the 1970s and were standard thinking in the major foreign assistance agencies by 1997.¹⁰

A second major change in disaster relief and development thinking has been the influence of the emerging human rights agenda. This agenda, which promotes social and economic rights alongside political and civil rights, has been adopted by a growing number of non-governmental organizations and foreign development agencies. It includes the right of people to participate in their economic development and the rights to minimal standards of water, food, and shelter across the entire population.¹¹

The frequency of American military participation in humanitarian assistance operations since the 1990s has led to a recognition in the military that its efforts need to be coordinated with intergovernmental, non-governmental, and civilian governmental entities that work on relief and development. However, the conceptual linkage between these activities and the promotion of human rights is less evident to the military. The absence of an explicit human rights approach to military humanitarian assistance is troubling for several reasons. First, the promotion of human rights is a stated foreign

⁹ David Chandler. "The Road to Military Humanitarianism: How the Human Rights NGOs Shaped A New Humanitarian Agenda," in *Human Rights Quarterly* 23 (2001), 682; Randolph C. Kent. *Anatomy of Disaster Relief: The International Network in Action*. (London: Pinter Publishers, 1987), 140.

¹⁰ Ian Smillie, *Relief and Development: The Struggle for Synergy*. Thomas J. Watson Jr.. Institute for International Studies Occasional Paper No. 33. (1998). Available online: www.ciao.net.org/wps/Watson.smi07.pdf Accessed 4 May 2004. xxvi; Chandler, 686; www.catholicrelief.org/where_we_work/africa/sudan/index.cfm Accessed 3 May 2004.

¹¹ Cuny Center. "Greater Efficiency in Humanitarian Assistance Operations: Task 1 and 2 Reference Materials on the Capabilities and Activities of NGOs, the UN, the Private Sector, and USG Agencies." Dated January 2002. Available online: www.thecunycenter.org/publications/greaterefficiency.pdf Accessed 29 January 2004. 113.

policy goal of the United States. Second, according to American policy for foreign development assistance and military humanitarian assistance, a goal is to assist the poor.¹² Programs supporting this goal should consider the growing consensus among relief, humanitarian assistance, and development entities that policies intending to create sustainable development must recognize human rights in order to improve rather than merely ameliorate the situation of the poor. Finally, the absence of a human rights approach to humanitarian assistance can impede military interoperability with other assistance providers.

In military Humanitarian and Civic Assistance (HCA) exercises, a human rights focus matters in the selection of training objectives that not only fulfill utilitarian requirements but also promote human development. When military planners coordinate the exercise with the US embassy staff in the host country, the inclusion of representatives from development agencies can facilitate the integration of their human rights policies, such as promoting sustainable development, in project design. In coordinating projects with the host nation, a human rights approach would go beyond involving policymakers and include representatives of the local population as well as the service providers in project planning, execution and evaluation. A human rights approach to project planning, execution, and evaluation, because it is characterized by transparency and the inclusion of the local population, promotes a favorable local political climate.

The purpose of this thesis is to evaluate the extent to which human rights are supported by the Defense Department Humanitarian and Civic Assistance (HCA) program, one of the components of the “theater security cooperation plan,” the routine pattern of military exercises and interaction with foreign nations. Two cases will be analyzed, the first from an exercise in 1987 in Ecuador and the second involving an exercise in 1999 in Nicaragua. Having briefly described military humanitarian assistance programs and contrasted them with their civilian counterparts, I will describe the connection between human rights policy and military humanitarian assistance.

¹² *Foreign Assistance Act, U.S. Code*, Title 22, Section 2151-1; *U.S. Code*, Title 10, Section 401.

The State Department's *Strategic Plan 2000* states, "Democracy and respect for human and labor rights are central components of US foreign policy," and identifies the Departments of State and Defense, as well as the Agency for International Development, as lead agencies for promoting "respect for human rights" and taking "action to prevent and limit human rights crises."¹³ The *Strategic Plan* of 2000 is the most explicit of the foreign policy statements on human rights and security assistance, but the promotion of rights has been a policy goal for decades. In 1987 the security assistance program was set up "to promote political freedom, the growth of democratic institutions, and respect for human rights." In 1998, the State Department stated that strengthening respect for human rights was an important component of the "key objective" of "building democracy."¹⁴

Prior to 1985, Combatant Commanders allocated funds from their operation and maintenance budgets to support HCA. Since 1985 Congress has appropriated funds specifically for HCA and the Defense Department gave responsibility for coordinating HCA to the Defense Security Cooperation Agency. The Defense Security Cooperation Agency's Overseas Humanitarian, Disaster, and Civic Aid program is designed to shape "the international security environment in a manner that assures our allies and friends, deters threats against U.S. interests, and promotes peace, democracy, and human rights in unstable regions."¹⁵ However, a review of program evaluations and policy statements provided in chapter two shows that in practice, the theoretical connection between human rights and humanitarian assistance is not evident. The disconnect between theory and practice has a number of sources. One is that the objectives of HCA were narrowly defined until the late 1990s and the promotion of human rights was limited to ensuring that participants did not engage in acts of harassment or torture. Another problem was

¹³ Department of State, *Strategic Plan (2000)*. Available online: www.state.gov/www/global/general-foreign_policy/2000_dos_stratplan_body.pdf. Accessed 3 September 2003. 61-62.

¹⁴ Department of State, *Congressional Presentation for Security Assistance Programs FY 1987*. (Washington, D. C.: Government Printing Office, 1998), 42; Department of State. *Congressional Presentation for Foreign Operations: Fiscal year 1998 Budget*. (Washington, D.C.: Government Printing Office, 1998), x, 347.

¹⁵ Department of Defense, Defense Security Cooperation Agency, "Overseas Humanitarian, Disaster, and Civic Aid (OHDACA) Appropriation." Available online: www.dsca.osd.mil/programs/HA/OVERSEAS%20-HUMANITARIAN%20DISASTER%20AND%20CIVIC%20AID.pdf Accessed 19 September 2003. 1.

that through 1993, coordination of HCA with U.S. embassies and U.S. Agency for International Development missions was minimal.¹⁶ This precluded the incorporation of development planning by USAID that was congruent with human rights principles in HCA. The position of the United States government on an emerging human rights agenda that includes social and economic development will be discussed in chapter 2. Military humanitarian assistance can be improved if we draw on the experiences and best practices of development agencies and non-governmental organizations, as well as military experiences with Civil Military Operations Centers, to strengthen training, refine policies, and draft measures of effectiveness. A basic human rights perspective should be made to guide the planning, execution, and evaluation of projects in order to enhance effectiveness.

In this study, I will draw upon the following international and national sources to provide a standard for assessing HCA exercise agreement with human rights approaches to development: the United Nations High Commissioner for Human Rights' *Basic Handbook for Human Rights*, the United Nations Development Program's *Integrating Human Rights with Sustainable Development*, the US Agency for International Development's *Program and Operations Assessment Reports*, and the World Bank *World Development Report 2004*.¹⁷ I will evaluate "Opening Roads" in Ecuador in 1987 and "New Horizons" in Nicaragua in 1999 to assess the extent to which human rights (or principles congruent with human rights) were reflected in project objectives, the interagency process, and host nation participation. I will also consider the local political conditions that act as exogenous influences on implementation.

The United States Southern Command conducted both cases selected for the study in the aftermath of natural disasters. The first case, involving "Opening Roads" in

¹⁶ General Accounting Office. *Department of Defense: Changes Needed to the Humanitarian and Civic Assistance Program*. (Washington, D.C.: Government Printing Office, 1993), 3.

¹⁷ United Nations High Commissioner for Human Rights. *Human Rights: A Basic Handbook for UN Staff*. Available online: www.unhcr.ch/html/menu6/2/handbook.pdf Accessed 19 September 2003; United Nations Development Program. *Integrating Human Rights with Sustainable Development*. Available online: <http://magnet.undp.org/Docs/policy5.html>. Accessed 5 February 2004; Agency for International Development, *Linking Democracy and Development: An Idea for the Times*, USAID Program and Operations Assessment Report No. 29 (Washington, D.C.: USAID, 2001); World Bank, *World Development Report 2004: Making Services Work for Poor People*. Available online: http://econ.worldbank.org/files/30028_overview.pdf Accessed 15 November 2003.

Ecuador in 1987 was an HCA project involving the construction of a road. The second case considers a more recent project in Nicaragua that included the construction of a health clinic in 1999. The local political conditions in both cases involved host nation Chief Executives who welcomed and legislatures that opposed the American military presence.

The major differences include the strategic climate, objectives, interagency process, and level of host nation participation in the planning. The exercise in Ecuador was conducted during the Cold War, with narrowly defined objectives, and coordination with other agencies and the host nation consisting largely of gaining authorization. The exercise in Nicaragua provides a rich contrast in the post-Cold War era with broad objectives and close coordination with other American agencies, national and local host nation officials, and a non-governmental organization.

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II. HUMAN RIGHTS AND HUMANITARIAN ASSISTANCE

A detachment from the Army Corps of Engineers arrives in a developing country to build a health clinic and a Joint Task Force deploys to a foreign disaster area to assist in relief efforts. While one can assert that these are expressions of goodwill, can it be said that these activities support human rights? This chapter will consider whether there is a relationship between military humanitarian assistance activities and human rights, and if so, the character of this relationship. The chapter first discusses the concept of human rights, comparing definitions used by the State Department and the United Nations High Commissioner for Human Rights (UNHCHR). Then I will evaluate the guidance on human rights in humanitarian assistance and disaster relief. HCA intrinsically involves social and economic concerns and only circumstantially may involve such activities as torture or arbitrary arrest. One way of making the promotion of human rights a more significant part of HCA would be to include social and economic rights in the operative concept of human rights. I will provide a model for evaluation that deals with the complexity of humanitarian assistance efforts in seemingly simple construction projects and the how a human rights perspective can promote effectiveness.

The case studies demonstrate that while during the Cold War the benefits of HCA to the local population were a secondary objective, after the Cold War they became the primary objective. In the 1990s the Department of Defense identified humanitarian assistance as a mission and HCA was designated a component of this mission.¹⁸ The concurrent strengthening of the interagency process facilitated the incorporation of principles congruent with social and economic human rights in planning and implementing HCA.

A. UN AND US POSITIONS

The concept of human rights is based on the recognition that human beings are of intrinsic worth. The United Nations *Universal Declaration of Human Rights* of 1948 supports the “inherent dignity” of all human beings which is to be observed “without distinction of any kind” including “race, colour, sex, language, religion” or “the political,

¹⁸ Department of Defense, Chairman of the Joint Chiefs of Staff. *Chairman of the Joint Chiefs of Staff Manual 3500.04: Universal Joint Task List*, Version 1.1. (Washington, D.C.: Government Printing Office, 1995). 2-20.

jurisdictional, or international status of the country or territory to which a person belongs.”¹⁹ While human rights are established on the basis of their origin, they are “legally guaranteed by human rights law” such as “treaties and customs.”²⁰ States are obliged to observe treaties they sign and, regardless of their consent, customary international law.²¹ The human rights contained in customary international law are a small fraction of the vast number specified in treaties and other instruments.

Howard Wiarda divides human rights into three useful categories:

- 1 torture and crimes against the person,
- 2 political and civil rights
- 3 social or economic rights²²

The categories also represent the historical sequence of their consideration by the international community. Corresponding with their maturity are the strengths of “global consensus,” legal guarantees, and advocacy groups.²³ The International War Crimes Tribunals that immediately followed the Second World War addressed human rights in the first category of crimes against persons. The *Universal Declaration of Human Rights* of 1948 embraces both the first and second categories of human rights, to include political and civil rights. However, the levels of support given to them differ. States may be willing to denounce torture, but given the range of political systems and cultures, there has been less agreement on political and civil rights. The third and most recent category deals with social or economic rights, such as the right to clean water, food, shelter, healthcare, education and economic development.

Social and economic rights were most comprehensively addressed by the United Nations in the 1986 *Declaration on the Right to Development* and the 1993 World

¹⁹ United Nations General Assembly. “Universal Declaration of Human Rights,” in *Human Rights Training: A Methodology on Human Rights Training Methodology*. Available online: www.unhchr.ch/pdf/train6.pdf Accessed 15 August 2003. 17.

²⁰ United Nations High Commissioner for Human Rights. *Human Rights*, 3-4.

²¹ Ibid. 4.

²² Howard J. Wiarda, *Democracy and Its Discontents: Development, Interdependence, and U.S. Policy in Latin America*. (Lanham: Rowman & Littlefield Publishers, 1995), 76.

²³ Ibid.

Conference on Human Rights, and can be measured by such instruments as the *Human Development Index*.²⁴ The UN General Assembly's *Declaration on the Right to Development* gave expression to a new and more comprehensive concept of human rights.²⁵ Its assertion that "every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development," sought both the broadening and the integration of the human rights agenda.²⁶

The declaration was designed to reject state programs that pointed to a rise in gross national product while ignoring the gross disparity in wealth, an increase in per capita income as it carried out systematic torture, or the emergence of a fairly elected legislature when national sovereignty had been surrendered to foreign interests. As summarized in a UN training manual:

This right includes permanent sovereignty over natural resources; self-determination; popular participation; equality of opportunity; and the advancement of adequate conditions for the enjoyment of other civil, cultural, economic, political and social rights.²⁷

An expanded and integrated human rights agenda has been developing internationally in the past two decades. Part of the expansion has involved incorporation of the principle of "sustainable human development," that seeks to link short-term effectiveness with long term objectives.²⁸ The integration of human rights with "early warning, humanitarian operations, peacekeeping and development" is an ongoing project led by the OHCHR of the UN.²⁹ The current UN approach to human rights is that civil, political, economic, social, and cultural rights are interdependent. A "rights based approach to

²⁴ United Nations Development Program. "Human Development Record." Available online: www.undp.org/hdr2003/ Accessed 19 September 2003.

²⁵ United Nations General Assembly. *Declaration on the Right to Development*, G.R. 41/128 (4 December 1986). Available online: www.unhchr.ch/html/menu3/b/74.htm Accessed 17 July 2003.

²⁶ United Nations, High Commissioner for Human Rights. *Human Rights Training: A Manual on Human Rights Training Methodology*. Available online: www.unhchr.ch/pdf/train6.pdf Accessed 19 September 2003. 11.: United Nations. *Declaration on the Right to Development*, 2.

²⁷ United Nations, High Commissioner for Human Rights. *Human Rights Training*. 11

²⁸ Ibid.

²⁹ Ibid., 54.: Karen Kenny, *When Needs are Rights: An Overview of UN Efforts to Integrate Human Rights in Humanitarian Action*. Thomas J. Watson Jr. Institute for International Studies, Occasional Paper no. 38. (Providence: Brown University, 2000).

development,” therefore, includes the following elements: “express linkage to rights, accountability, empowerment, participation, and non-discrimination and attention to vulnerable groups.”³⁰

The UN Development Program has presented a “Framework for Assessing Progress” in table form (table 1).³¹ This acknowledges that given the resources in most developing states, it would be unreasonable to expect that all of the human rights of all the citizens can be realized immediately. The training of legislators and jurists, the functioning of elections and bureaucracies, and the establishing of schools and clinics are all costly enterprises. A rights perspective develops a baseline that identifies whose rights are being supported by state policies. From this baseline, policies can be developed to target a reduction in those groups of persons whose rights are not being supported. The framework can guide the state in its efforts to design effective policies and gauge progress.

Period	Average Perspective	Deprivation Perspective	Inequality Perspective
One Period	What is the national average?	Who are the most deprived? By: Income quintile Gender Religion Rural or urban Ethnic group Education level	What is the disparity? Between: Bottom and top income quintiles Females and males Worst-off and best-off regions Rural and urban Worst-off and best-off ethnic groups No higher education and higher education
Over time	How has the national average changed?	How have the most deprived social groups progressed	How have disparities between social groups changed – have they widened or narrowed?

Table 1. Framework for Assessing Progress (from United Nations Development Program).³²

³⁰ United Nations High Commissioner for Human Rights, “Rights-based approaches.” Available online: www.unhchr.ch/development/approaches-04.html. Accessed 17 July 2003.

³¹ United Nations Development Program, *Human Development Report 2000*. Available online: http://hdr.undp.org/reports/global/2000/en/pdf/hdr_2000 Accessed 9 October 2003, 108.

³² Ibid.

While the above framework places the primary responsibility on the state, the human rights approach also recognizes roles for civil society, intergovernmental organizations, foreign states, and non-governmental organizations. In a spirit of solidarity, they are called upon to assist in supporting human rights. One approach would be to coordinate their support for development with policies that explicitly support human rights. A less specific avenue would allocate a minimum of 20% of foreign aid budgets to basic social services.³³

Support for human rights is part of American tradition that is codified in law and further specified in policy. However, in American law and most statements on policy, the concept of human rights only deals with acts of violence against persons, such as torture, and violations of civil and political liberties. The section of the U.S. Code requiring that “international security assistance programs . . . will promote and advance human rights” limits the discussion of human rights to listing violations that would proscribe assistance.³⁴

A more comprehensive approach towards human rights is taken in USAID policy on development assistance, where projects are required to “emphasize the encouragement of development processes in which individual civil and economic rights are respected and enhanced.”³⁵ Specific examples include projects that foster the “development of democratic principles and institutions that promote human rights” and increased awareness of women and ethnic groups to the judicial system and political processes.”³⁶ While not expressed in terms of human rights, the principles set forth on development assistance policy in the U.S. Code are largely in agreement with programs that promote economic rights. The planning principles seek to “directly improve the lives of the poorest of their people,” involve “the people in the development process” at the local level, work towards “establishing and upgrading the institutional capacities” through

³³ Ibid., 120.

³⁴ *Foreign Assistance Act, U.S. Code, Title 22, sec. 2304* (2002).

³⁵ Agency for International Development, “Development Aid and Human Rights.” Available online: www.usaid.gov/policy/ads/200/pd12.pdf Accessed 1 November 2003.

³⁶ Ibid.

training, and develop “effective institutions of democratic governance” characterized by the “rule of law [and] mechanisms of accountability and transparency . . .”³⁷

The idea that economic development is a human right has been the subject of international controversy. The principal advocates have been developing countries. The American delegation’s statement to the UN Commission on Human Rights on 25 April 2003 objected to the notion that “lack of development justifies the denial of internationally recognized human rights.”³⁸ Recognition of development as a human right would mean that assistance given by industrialized nations to developing nations would be less a matter of optional charity than obligatory justice.

The U.S. has reaffirmed its commitment to assisting other states in economic development and the principle that “the human person is [the] central subject of development.”³⁹ However, it asserts that there is no “emerging consensus on the meaning and content of the right to development.”⁴⁰ Ambassador George Moose summed up the link between human rights and development in stating that the “protection of basic civil and political rights [that] is indispensable to sustainable growth.”⁴¹

Two primary sources of policy guidance are the White House and the Department of State. In President George Bush’s *National Security Strategy of the United States*, issued in September 2002, the goals identified are “political and economic freedom, peaceful relations with other states, and respect for human dignity.”⁴² The “nonnegotiable demands of human dignity,” identified as civil and political rights will be

³⁷ *Foreign Assistance Act, U.S. Code, Title 22, sec. 2151* (2002).

³⁸ Joel Danies, “Right to Development, Delivered by Joel Danies, U. S. Government Delegation to the 59th. Session of the United Nations Commission on Human Rights on 25 April 2003,” Available online: www.humanrights-usa.net/statements/0425RtoD.htm Accessed 3 September 2003. 1.

³⁹ *Ibid.*, 2.

⁴⁰ George Moose, “Remarks to the 57th Session of the UN Commission on Human Rights, 27 March 2001.” Available online: www.state.gov/g/drl/rls/rm/2001/1775pf.htm Accessed 27 July 2003. 2.

⁴¹ *Ibid.*, 1.

⁴² George W. Bush, *The National Security Strategy of the United States of America*. (Washington, D.C.: White House, 2002), 1.

promoted through foreign aid targeted to support movements toward democracy and pressures against those who “deny human rights.”⁴³

While the president observes that the world situation “where some live in comfort and plenty, while half of the human race lives on less than \$2 a day” is “neither just nor stable,” the strategy of dealing with this “moral imperative and one of the top priorities of U.S. international policy” does not involve recognizing economic development as a human right.⁴⁴ Rather, the approach follows the consensus arrived at during the UN Conference on Financing for Development that was held in Monterrey, Mexico in March of 2002. Development aid will accordingly follow a long tradition of aid conditionality and be targeted to states that follow paths of political and economic liberalization, including “respect[ing] basic human rights” and “invest[ing] in their people” through both “health care and education.”⁴⁵

The *National Security Strategy* of September 2002 was issued after the State Department’s *Strategic Plan 2000*, but there has been a strong consistency in its policy statements. In the State Department, the promotion of human rights is assigned to the Bureau of Democracy, Human Rights and Labor. On the Bureau’s official web page, in congressional testimony and in the report *Supporting Human Rights and Democracy*, the State Department’s concept of human rights emphasizes “freedom from torture” and civil and political rights.⁴⁶

Strategic Plan 2000 places the issue of human rights under the subheading of democracy and asserts: “Democracy and respect for human and labor rights are central components of U.S. foreign policy”.⁴⁷ Supporting the goal of “democratic practices . . . and respect for human rights” are five strategies, one of which identifies the Department

⁴³ Ibid., 3-4.

⁴⁴ Ibid., 21.

⁴⁵ Ibid., 22-23.

⁴⁶ Department of State, “Human Rights” Available online: www.state.gov/g/drl/hr Accessed 18 September 2003.; Paula Dobriansky, “U.S. Human Rights Policy,” Testimony before the International Operations and Terrorism Subcommittee, Senate Foreign Relations Committee on 24 May 2001. Available online: www.state.gov/g/drl/rls/rm/2001/306pf.htm Accessed 18 September 2003. 2.; Department of State, *Supporting Human Rights and Democracy: The U.S. Record 2002-2003*. Available online: www.state.gov/documents/organization/21969.pdf Accessed 18 September 2003. iv.

⁴⁷ Department of State, *Strategic Plan (2000)*, 61.

of Defense as a lead agency in connection with human rights.⁴⁸ The Departments of State and Defense, as well as USAID are lead agencies for the third strategy to “promote respect for human rights and take action to prevent and limit human rights crises.”⁴⁹

The current UN policy is that political, civil, social, and economic rights, including the right to development, are interdependent human rights. This contrasts with the American position that recognizes political and civil rights, but not social and economic rights, as human rights. As official statements of the US government have asserted, the connection between human rights and development is that the observance of political and civil rights are preconditions for economic development. However, American international development assistance is programmed to support not only the political but also the economic development of states. Additionally, American policy on development assistance encourages economic rights. For these reasons, it appears that the American rejection of the notion of the right to development is largely a rejection of the idea that foreign aid should be a matter of justice and not charity.

B. HUMAN RIGHTS AND MILITARY HUMANITARIAN ASSISTANCE

The Defense Security Cooperation Agency (DSCA) supports the management of Department of Defense “involvement overseas” and its “role in developing and sustaining regional security arrangements” through programs that “promote human rights, the presence of a fair and effective military justice system, and civilian control of the military.”⁵⁰ The DSCA’s Office of Humanitarian Assistance and Mine Action has budget authority over the “Overseas Humanitarian, Disaster, and Civic Aid (OHDACA) Appropriation.”⁵¹ A fact sheet on the appropriation states how it supports the national strategy:

⁴⁸ Ibid.

⁴⁹ Ibid., 62.

⁵⁰ Department of Defense, Defense Security Cooperation Agency, *Strategic Plan 2003-2008*, Available online: www.dsca.osd.mil/StratPlan/DSCA_Strategic_Plan_2003-2008.pdf Accessed 19 September 2003. 5, 10.

⁵¹ Department of Defense, Office of Humanitarian Assistance and Mine Action, “Office of Humanitarian Assistance and Mine Action.” Available online: www.dsca.osd.mil/programs/HA/duties.htm Accessed 19 June 2003. 1.

Maintaining a robust overseas presence aimed at shaping the international security environment in a manner that assures our allies and friends, deters threats against U.S. interests, and promotes peace, democracy and human rights in unstable regions.⁵²

While a general statement on promotion of human rights is given, further guidance related to human rights is less clear in the descriptions offered for either the Humanitarian Assistance or Foreign Disaster Relief and Emergency Response programs. Humanitarian Assistance programs, such as the “construction and repair” of schools and medical facilities or the provision of routine “medical, dental and veterinary care” are thought to foster “goodwill . . . promote democratic development and regional stability” and relieve suffering.⁵³ Similarly, a description of Foreign Disaster Relief does not specify how human rights are promoted, while it does state that it “promote[s] democratic development and regional stability.”⁵⁴

Department of Defense policy governing Humanitarian and Civic Assistance activities further specifies that programs must advance the “security interests” of both the U.S. and the host country; “the specific operational readiness skills” of U.S. military participants, and American “foreign policy interests.”⁵⁵ Additional requirements are that the activities “serve the basic economic and social needs of the people of the country concerned” and have the “approval of the host country’s national and local civilian authorities.”⁵⁶ The closest relationship between these activities and the promotion of human rights, using a definition broader than the one defined in U.S. foreign policy, is the requirement to serve the social and economic needs of the host nation.

The pertinent field manual for the conduct of joint Humanitarian Assistance and Disaster Relief makes limited references to promoting human rights. *Joint Doctrine for*

⁵² Department of Defense, Defense Security Cooperation Agency, “Overseas Humanitarian, Disaster, and Civic Aid (OHDACA) Appropriation.” 1.

⁵³ Department of Defense, Defense Security Cooperation Agency. “Humanitarian and Civic Assistance.” Available online: www.dsca.mil/hama_cd/hca/repair_construction.htm Accessed 19 June 2003.; DoD, DSCA, “OHDACA Appropriation.” 1.

⁵⁴ DoD, DSCA, “OHDCA Appropriation,” 2.; Department of Defense, Defense Security Cooperation Agency, “Foreign Disaster Relief and Emergency Response,” Available online: www.dsca.mil/hama_cd/fdr/default.htm Accessed 19 June 2003. 1.

⁵⁵ Department of Defense. “Directive No. 2205.2: Humanitarian and Civic Assistance (HCA) Provided in Conjunction with Military Operations,” Dated 6 October 1994.

⁵⁶ Ibid.

Civil Military Operations speaks of USAID's role in "human rights monitoring" during "post conflict recovery" and how military civic action can provide an opportunity for a "demonstration of improvement in host-nation military treatment of human rights."⁵⁷ These and similar references in the publication do not specify a direct U.S. military role in the promotion of human rights.

The weakness of the connection between humanitarian assistance or disaster relief and human rights is apparent in articles in the *Defense Institute of Security Assistance Management (DISAM) Journal* and annual departmental reports. Articles indicate that humanitarian assistance has benefited people in the host-nation, provided valuable training to U.S. forces, and promoted regional stability.⁵⁸ There have also been initiatives to "maximize the viability and sustainability of HCA projects," but whether they were designed for, or had an impact on human rights advancement is not addressed.⁵⁹

Evaluation of programs that promote democracy and respect for human rights overseas are made in the State Department's *Supporting Human Rights and Democracy: The U.S. Record 2002-2003* and, to a lesser degree, in the Joint Report to Congress titled "Foreign Military Training and DoD Engagement Activities of Interest."⁶⁰ The State Department report includes numerous references to "human rights training that was integrated into all U.S. supported military exercises and operational training" and the Joint Report conveys that human rights training was included in Legal Studies programs

⁵⁷ Department of Defense, Joint Chiefs of Staff, *Joint Publication 3-57: Joint Doctrine for Civil-Military Operations*. (Washington, D.C.: Government Printing Office, 2001), I-13, I-16.

⁵⁸ Edward S. Loomis and Robert Crowley, "Humanitarian and Civic Assistance Program," in *The DISAM Journal*, vol. 23, no. 2 (Winter 2001), 33-41.; Mario V. Garcia, "Achieving Security Cooperation Objectives Through The United States European Command Humanitarian and Civic Assistance Program," in *The DISAM Journal*, vol. 25, nos. 1 & 2 (Fall 2002/Winter 2003), 105-108.

⁵⁹ Loomis, "Humanitarian and Civic Assistance Program," 38-39.

⁶⁰ DoS, *Supporting Human Rights and Democracy*; Department of State, Bureau of Political Military Affairs, "Foreign Military Training and DoD Engagement Activities of Interest: Joint Report to Congress May 2003," Available online: www.state.gov/t/pm/rls/rpt/fmtrpt/2003/21209pf.htm Accessed 24 July 2003.

and International Military Education and Training.⁶¹ However, neither report refers to the promotion of human rights in humanitarian assistance or disaster relief.⁶²

That these reports do not link military humanitarian assistance or disaster relief with the promotion of human rights raises a number of questions. Why is there no apparent link, should there be one, and what form might it take? The connection between the promotion of human rights and military humanitarian assistance is moderated by the American understanding of human rights and the primary objectives of the operations. The goal of HCA is to provide occupational specialty focused training to U.S. military personnel in a foreign country.⁶³ While valued, the benefits provided to host-nation peoples are incidental to the training.⁶⁴ The basic goal of disaster relief is to complement host-nation authorities by providing assistance of limited duration and scope.⁶⁵

Given these limited operations and current policy on human rights, how are human rights promoted? From the above discussion it is clear that the American concept of human rights focuses on the protection against, or prosecution for, violence against persons, and secondarily involves political and civil rights. Since HCA involves training U.S. forces at the invitation of the host country, and the military aspect of disaster relief targets the stage prior to the transition to reconstruction, the promotion of human rights would seem to be concerns for the host nation or USAID.⁶⁶ The U.S. military's role would be that of fostering or establishing stability, which may be regarded as a necessary, but not sufficient, precondition for the flourishing of human rights. Assistance may be considered to have an indirect role in promoting human rights if it is provided in recognition of a state's progress in human rights.

For each of the cases, the objectives, interagency process, coordination with the host nation, and local political conditions will be examined. This will be followed by an analysis of the degree to which it supported a broadened human rights agenda. Because

⁶¹ DoS, *Supporting Human Rights and Democracy*, 178, 179, 188.; DoS. "Foreign Military Training," 6, 8.

⁶² DoS. *Supporting Human Rights and Democracy*.; DoS. "Foreign Military Training," 6, 8.

⁶³ DoD. "Directive Number 2205.2," 2; DoD. *Joint Publication 3-57*, I-14.

⁶⁴ DoD. *Joint Publication 3-57*, I-14.

⁶⁵ *Ibid.*, I-12.

⁶⁶ *Ibid.*, I-13.

military humanitarian assistance is closely related to economic and social development, the human rights objectives will be those encompassing economic and social rights. Accordingly, the objectives of the projects will be viewed as supporting human rights to the degree that they support the broader and longer-term goal of the host nation in providing basic resources to its population, particularly the poor, on a sustained basis. While such criteria exceeds the requirement that “[HCA] activities shall serve the basic economic and social needs of the people of the country concerned,” they are in agreement with U.S. development assistance policy as well as rights approaches to development.⁶⁷

The interagency process has the potential to facilitate support for human rights objectives because USAID and non-governmental organizations that work in development generally establish long term commitments in the host country and have a stronger capacity for promoting sustainable development.⁶⁸ In the planning stages, support could be in the form of information in such areas as needs, projects in progress, and available resources.⁶⁹ Coordination can assist military commanders in projecting beyond their normally short-term involvement in relief or development efforts that may otherwise lead them to assign a low priority to “an early dialogue with the local community and starting sustainable development.”⁷⁰ Additionally, planning with these entities may also serve to overcome the military’s characteristic of self-sufficiency that can have the effect of ignoring or hindering the development of local capacities.⁷¹

In coordinating projects with the host nation, a human rights approach would go beyond involving policymakers and include representatives of the local population as well as the service providers in project planning, execution and evaluation. The inclusion

⁶⁷ *U.S. Code, Title 10, Section 401; Foreign Assistance Act, U.S. Code, Title 22, Section 2151-1 (2002);* .

⁶⁸Organization for Economic Cooperation and Development, Development Assistance Committee, *Civilian and Military Means of Providing and Supporting Humanitarian Assistance During Conflict*, Conflict, Peace and Development Report No. 1 (Paris: OECD, 1998). 19.

⁶⁹ Drifmeyer, Measures of Effectiveness No. 02-04, 5.

⁷⁰ Trueman W .Sharp, George A. Luz and Joel C. Gaydos, “Military Support of Relief: A Cautionary Review,” in *Humanitarian Crises: The Medical and Public Health Response*, ed. Jennifer Leaning. (Cambridge: Harvard University Press, 1999), 273-291. 286.

⁷¹ OECD, 19.

of service providers and representatives of the local population are considered critical to the efficacy and sustainability of programs by a World Bank study.⁷²

The principal exogenous influence that can affect the outcome of a project is the local political condition. A human rights approach to project planning, execution, and evaluation, because it is characterized by transparency and the inclusion of the local population, promotes a favorable local political climate. However this is not necessarily sufficient to overcome political opposition.

⁷² World Bank, 206.

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III. EXERCISE OPENING ROADS – ECUADOR 1987

A. INTRODUCTION

The President of Ecuador and the Vice-President of the United States were confident that Exercise Opening Roads, a United States military humanitarian assistance operation planned for 1987, would be of benefit to the people of Ecuador and promote American goodwill. However, only a few kilometers of road were constructed and opposition to the American military presence culminated in a resolution by the Ecuadorean Congress calling for the immediate withdrawal of American forces. Why was this gesture of goodwill received with suspicion and hostility? This paper will examine the objectives, American interagency coordination, host nation participation, and local political conditions to explain the results. Then it will propose how a human rights focus could have contributed to a better outcome through the selection of a project that assists the poor, the inclusion of the local population and service providers in the project planning, and promoting sustainable development.

1. Objectives

The primary objective of Exercise Opening Roads was to provide engineers in the Army Reserve and National Guard the opportunity to rotate in for two weeks of unit training. Two thirds of the Army's engineers were in the Reserve and National Guard and the annual training exercise was critical to teach them the skills they would need if they were activated. It was designed to get them to experience all of the steps of an overseas deployment, including planning, movement, building a camp in an undeveloped theater, working on the assigned project, and redeploying.

The secondary objective of such exercises, as reported by Secretary of Defense Frank Carlucci to the United States Congress, was to “promote peace and stability” through “incidental benefits” such as construction projects that serve in “strengthening local government infrastructure and accelerating national growth.”⁷³ Articles in contemporary American military journals provided explanations for the connection

⁷³ United States. Department of Defense, Secretary of Defense. *Report of the Secretary of Defense Frank C. Carlucci to the Congress on the Amended FY 1998/FY 1989 Biennial Budget*. (Washington, D.C.: U.S. Government Printing Office, 1988), 80.

between military construction projects and promoting peace and stability.⁷⁴ The states selected to host Humanitarian/Civic Action projects were economically developing countries. Such projects were theorized to support security because they removed the adverse conditions, such as the lack of roads and medical care, that insurgent elements exploit. Furthermore, since the project would provide a benefit to the local population it would enhance the legitimacy of the government.

Plans for the U.S. exercise in Ecuador underwent a dramatic change following the major earthquake of 5 March 1997. The initial arrangement would have had the first Army engineer project in South America improve a twelve-kilometer road near the coastal town of Manta, Ecuador. But after the ships with the heavy equipment and supplies had already left port a decision was made to move the exercise location across the Andes, over two hundred kilometers inland, to assist in earthquake recovery. The plans to improve a road near a coastal resort had been shifted to constructing a road in the more challenging environment of the Amazon jungle.

Evaluated on the basis of the training objective, the exercise was a success. Approximately 60,000 unarmed soldiers received training that enhanced unit readiness. Plans had been adjusted, the logistical challenge of moving heavy equipment across the Andes was accomplished, 6,000 dump truck loads of rock had been laid out as the floor for a base camp, the troops were well fed and remained healthy, construction techniques were learned from the Ecuadorean engineers, and lessons learned were submitted so that more suitable equipment and procedures could be incorporated in doctrine.

The secondary objective, to benefit the community, also appeared to be met. A 300 foot bridge now spanned the Rio Hollin, five kilometers of road had been upgraded, water and electricity were restored to a hospital, local people received medical and dental care, school desks were built, thousands of animals had been vaccinated by veterinarians, and local merchants had prospered.⁷⁵ The majority of the people who lived in the vicinity of Archidona, the town closest to where the base camp was set up, were pleased

⁷⁴ James B. Ervin. "Strategy and the Military Relations Process," in *DISAM Journal*, vol. 11, no. 1 (Fall 1988). 56-74; John E. Schaufelberger. "Engineers Build Stability in Troubled Regions," in *Engineer*, vol. 17, (March 1988). 8-9.

⁷⁵ Dennis Steele. "Long Hard Road," in *Soldiers*, vol. 43, no. 1 (January 1988), 25.

with the American efforts. However, the response in the capital city of Quito was far from favorable. Objections to the American military presence, which was suspected of being a precursor to military operations against guerillas or intervention in Ecuador, were sounded in the Ecuadorean Congress even before the exercise began and culminated in a demand for immediate withdrawal on 16 July.⁷⁶ On the same day the Constitutional Guarantees Tribunal criticized the President and Foreign Minister for violating the constitution in allowing the American troops into the country.⁷⁷ Rather than supporting the legitimacy of the government, the circumstances involving the exercise resulted in a political crisis for the Ecuadorean President.

2. American Interagency Coordination

Military humanitarian assistance exercises require the coordination of a number of federal government organizations at different levels that have different mandates. The basic flow of a proposal for military humanitarian assistance is fairly simple. Having obtained the host nation's approval, the American ambassador nominates a project to the Combatant Commander, who forwards it to the Office of Global Affairs in the Department of Defense. The request is reviewed and sent to the State Department for approval. In the middle 1980s a number of problems complicated the process including the absence of clear policy from the Defense Department and the incompatibility of military infrastructure projects with the policies of the United States Agency for International Development (USAID). In the case of exercise Opening Roads, an additional difficulty was the earthquake.

One of the major aspects of interagency coordination in planning an overseas military exercise was determining the required authorization and appropriate funding for the programs involved. A special incentive for these efforts materialized in 1984 when the General Accounting Office recommended that the State Department reimburse the

⁷⁶ "Socialist Deputy Questions U.S. Troop Presence," [text] Madrid, EFE, 4 March 1987, in *FBIS Latin America*, 5 March 87, G1; "Congress Votes for Withdrawal," [text] Quito, Voz de los Andes, [Spanish] 1130 GMT 16 July 1987, in *FBIS Latin America*, 21 July 87, P1; Jeanne A. K. Hey, *Ecuador Confronts U.S. Military Intervention: Operation Blazing Trails. Pew Case Studies International Affairs Case 362*. (Washington, D.C.: Institute for the Study of Diplomacy, 1994), 5.

⁷⁷ "Ministers Reply to Court on U.S. Reservists," [text] Quito, Quito Radio, [Spanish] 2300 GMT 16 July 1987 in *FBIS Latin America*, 21 July 87, P1.

Defense Department for humanitarian assistance activities it conducted in Honduras.⁷⁸ The judgment was that the military did not have the authorization to conduct humanitarian assistance except on behalf of or incidental to supporting the State Department or USAID.⁷⁹

A continuing appropriation for the Defense Department that same year, and in the years following, gave the military the authority to use its funds for humanitarian and civil assistance when they were “incidental to authorized operations.”⁸⁰ Coordination remained a requirement, even when only Defense funds were used, because military projects had to “complement social and economic assistance provided by other U.S. departments or agencies.”⁸¹ The continuing appropriation of 1985 had specified that the operations had to be “Joint Chiefs of Staff sponsored and coordinated.”⁸² Whether this applied in later years would be an area of disagreement.

In the absence of guidance from the Defense Department, interpretations of the requirements for humanitarian assistance led to variations in the policies of the regional Combatant Commanders. In 1987 the policy in Southern Command was that in the course of an exercise, if the majority of the benefits of a program, such as medical assistance, went to the host country, the host country had to pay for that part of the program.⁸³ As a result the government of Ecuador provided funding for the medical assistance given to the community during the exercise.⁸⁴

Interagency coordination for humanitarian/civic assistance was conducted in two stages separated by Ecuador’s earthquake. In the first stage the principal participants from the U.S. country team were Ambassador Fernando Rondon and the Commander of the Military Group, Colonel Paul Scharf. Rondon proposed to the President of Ecuador

⁷⁸ Mike O. Lacey and Brian J. Bill, eds., *Operational Law Handbook* (2001). (Charlottesville: The Judge Advocate General’s School, 2001), 14-3.

⁷⁹ Ibid.

⁸⁰ Craig L. Smith. “Military Civic Action,” in DISAM Journal, vol. 8, no. 1 (Fall 1995). 92.

⁸¹ General Accounting Office. *Security Assistance: Update of Programs and Related Activities*. (Washington, D.C.: U.S. Government Printing Office, 1988).

⁸² Smith, 92.

⁸³ Ervin, 59.

⁸⁴ Hey. *Ecuador*, 3.

Febres Cordero that American military forces build a road in Ecuador. With Cordero's enthusiastic agreement, planning began. Colonel Frank. N. Sefton, III, the Commander of Task Force 1169 which was scheduled to conduct the exercise, and key members of his staff visited Ecuador.⁸⁵ The Task Force staff coordinated plans with representatives of the country team. The details for the exercise were set forth in a Memorandum of Understanding signed by the Minister of Defense of Ecuador and the Commander of the United States Military Group in February 1987, three months before the exercise was to begin.⁸⁶

From my reading there are no references to USAID's involvement in the process during the initial planning stages for the exercise. A General Accounting Office report in 1993 observed "minimal program coordination between the U.S. military and the U.S. embassies and AID mission" in the two countries they visited.⁸⁷ In an article that addressed the relations between USAID and military humanitarian assistance in 1985, Craig Smith pointed to the incompatibilities of their policies. The military focused on training, building infrastructure projects, and required the host government to fund programs that mainly were of benefit to the people. On the other hand, USAID did not want to be identified with the military, focused on development to the exclusion of large construction projects, and funded its own programs that were of benefit to the people.⁸⁸ With the exception of USAID's Office of Foreign Disaster Assistance (OFDA), the military and USAID did not have much interaction.

The earthquakes in March and the resulting landslides and flooding resulted in about a thousand deaths, the destruction of 60,000 homes, and damage to the Trans-Ecuadorean oil pipeline as well as the roads that connected the eastern provinces to the rest of the nation.⁸⁹ The economic costs included the closing of oil production, the

⁸⁵ Robert W. White. "REDSTONE: A Readiness Group Helps the Guard Prepare to Blaze Trails," in *Engineer*, vol. 17 (March 1988). 10.

⁸⁶ Jeanne A. K. Hey. *Theories of Dependent Foreign Policy and the Case of Ecuador in the 1980s*. Monographs in International Studies, Latin America Series, no. 23 (Athens: Ohio University, 1995), 178.

⁸⁷ General Accounting Office. *Department of Defense: Changes Needed to the Humanitarian and Civic Assistance Program*, 3.

⁸⁸ Smith, 86.

⁸⁹ Riley M. Chung. "Executive Summary," in *The March 5, 1987, Ecuador Earthquakes: Mass Wasting and Socioeconomic Effects*, Natural Disaster Studies, vol. 5 (Washington, D.C.: National Academy Press, 1991). 1-8.

source of about two thirds of the nation's export earnings, and the isolation of Napo province to the degree that costly air transport was the principal means of providing food to the inhabitants. President Cordero requested assistance from foreign nations for the relief and reconstruction efforts.

American assistance came immediately following the request and personnel from the OFDA and the military augmented the country team. In addition to noting the American provision of the airlift of emergency food and shelter, the OFDA Annual Report for 1987 states that on 9 March the government of Ecuador requested American assistance in "reopening a route and replacing washed out bridges" in Eastern Napo Province.⁹⁰ There were two major possibilities. The first was to repair the road that paralleled the pipeline and the second involved completing a road, south of the pipeline, that the Ecuadorean Army Corps of Engineers under the direction of the Ecuadorian Ministry of Public Works had begun prior to the earthquake.⁹¹ A survey of the area conducted by U.S. Army engineers recommended that the latter route be worked on. OFDA accepted the recommendation and funded sixteen bridges at a cost of \$ 2.5 million.⁹²

The plan for OFDA to support the Ecuadorean Ministry of Public Works project changed following the 22 March meeting between the American Vice-President and the President of Ecuador. Cordero approved Bush's proposal to move the Opening Roads exercise from the coast to Napo Province.⁹³ The road to be constructed during the exercise was further south than the one being constructed by the Ministry of Public Works and OFDA decided to shift the bridges, which had not been installed, to support the exercise.⁹⁴ The decision to shift the bridges to the exercise road agreed with the legal requirement that humanitarian assistance could not duplicate or compete with other American funded projects. In light of problems with the exercise road and the objective

⁹⁰ Agency for International Development, Office of U.S. Foreign Disaster Assistance. *OFDA Annual Report FY 1987*. (Washington, D.C.; Agency for International Development, 1998), 70.

⁹¹ L. K. Comfort. "Organizational Interaction in Response and Recovery," in *The March 5, 1987, Ecuador Earthquakes: Mass Wasting and Socioeconomic Effects*, Natural Disaster Studies, vol. 5 (Washington, D.C.: National Academy Press, 1991). 144.

⁹² OFDA, 70.

⁹³ Hey, *Theories*, 179.

⁹⁴ Comfort, 145.

of providing the bridges to reopen a route in Napo Province, OFDA eventually reallocated the uninstalled bridges back to the Ministry of Public Works road.

3. Host Nation Participation

Host nation participation in the planning and execution of the project was concentrated in the Ecuadorean President and military both before and after the earthquake. President Cordero and Ambassador Rondon agreed on the initial concept of having American military forces train in Ecuador and the Ecuadorean Minister of Defense and the U.S. Military Group Commander worked out the details without the involvement of the Ecuadorean Foreign Ministry. The Memorandum of Understanding, which included the American agreement to work on road construction as well as provide medical and educational assistance to the local population, also exempted the American military participants and their equipment from the normal customs requirements. Heavy equipment, including Blackhawk helicopters, need not go through customs and the soldiers did not require passports.

After the earthquake, President Cordero established a national Emergency Committee for the direction of disaster assistance. However, in the remote provinces, informal networks emerged among organizations that dealt with specific problems. The four agencies involved in road construction in Eastern Napo Province were the “Ecuadorian Army Corps of Engineers, the Ecuadorian Ministry of Public Works, the USAID/OFDA, and the U.S. Military Group in Ecuador.”⁹⁵ However, coordination for the Blazing Trails exercise road was primarily made between the Ecuadorean Army Corps of Engineers and the U.S. Military Group. Organizations that were excluded from coordination, including the Ministry of Public Works, the Ecuadorean Congress, and the indigenous organization *Confederacion de Nacionalidades Indigenas del Ecuador* (CONAIE), were critical of the exercise.

The expectations of Ecuadorean government officials involved in the planning of the exercise did not fully correspond with American objectives. Given the number of troops and amount of heavy equipment involved, it was anticipated that the Americans would be able to open a route connecting the isolated Napo Province with the existing roads in the west. The minimal expectation was that a road would be constructed that

⁹⁵ Ibid., 144.

connected the towns of Hollin, Loreto, and Coca.⁹⁶ However, the rotation of reservists and the challenges of the environment meant that the tangible results of the training exercise were far more modest. The exclusion of the Ministries of Foreign Affairs and Public Works in planning and the disparity in expectations and the results of the American exercise contributed to the contentious political climate.

4. Local Political Conditions

An indicator of political instability was that President Cordero carried a .45 caliber pistol in his belt.⁹⁷ The second President to be elected since the nation's transition from military rule, Cordero ushered in a series of neoliberal economic reforms, including debt repayment, with the attendant austerity measures. His support for President Ronald Reagan's political and economic programs brought in U.S. Drug Enforcement Agency support and an increase in development assistance. Cordero's economic and foreign policy, along with the strong exercise of executive authority, faced strong domestic opposition.

Military opposition centered on General Frank Vargas, the Chief of the Air Force. Vargas had publicly denounced members of Cordero's administration for accepting bribes when making aircraft purchases. The government responded by ordering Vargas to retire and he retaliated by staging a mutiny in March 1986. After the mutiny was suppressed, the Ecuadorean Congress voted that amnesty be extended to Vargas and the rebels.

Cordero, who had ignored the Congressional amnesty, was kidnapped and beaten by rebel Air Force personnel in January 1987.⁹⁸ The center-left coalition that controlled congress responded during the kidnapping by urging the Vice-President to assume power and to refuse to negotiate with the kidnappers.⁹⁹ Cordero secured his own release by

⁹⁶ Hey, *Ecuador*, 3.

⁹⁷ Richard Boudreaux. "Defied Rebels to Kill Him Ecuador Leader Recounts Death Threats by Captors," in *Los Angeles Times* 18 Jan 1987, 1. Available online: www.proquest Accessed 15 November 2003.

⁹⁸ Ibid.

⁹⁹ Richard Boudreaux. "Crisis Accentuated Weaknesses in Ecuador's Democratic System," in *Los Angeles Times*, 31 Jan 1987, 8. Available online: www.proquest Accessed 15 November 2003.

signing an amnesty. Subsequently, since the opposition in Congress did not have enough votes for impeachment, it passed a non-binding resolution calling for his resignation.

Two months after the abduction the earthquakes hit. A political truce was briefly in effect between the government and the opposition but quickly deteriorated. Given the loss of oil production the government implemented further austerity measures that it deemed necessary, including a decrease in gasoline subsidies and fuel rationing.¹⁰⁰

The tensions that existed between the government and the opposition carried over to the American military exercise. The opposition distrusted the administration and also the United States, which was seen as the promoter of painful economic reforms as well as military interventions that violated the sovereignty of Latin American states, was worsened by the government's failure to provide transparency to the military exercise. While a spokesman for the Ecuadorean military was able to respond to a reporter's question with a statement on the U.S. Army engineers' plan to provide Ecuadorean Army engineers with training, the Defense Under Secretariat reported that it was unaware of such a proposal.¹⁰¹ More significantly, it took the Ecuadorean Defense Ministry over three months to answer a congressional request for information on why American troops would be coming to Ecuador.¹⁰²

Speculation by the opposition on American intentions in the isolated Eastern Napo Province ranged from the establishment of a base for military operations to the extraction of mineral deposits. Those who suspected that a military base was being constructed varied in what they thought the purpose would be. Some thought that it would be a U.S. military base for operations against guerillas in neighboring countries, or against Ecuador in the event a leftist government won the upcoming elections.¹⁰³ While such speculations fueled lively debates, the grounds for the congressional resolution demanding the departure of the American troops was that their presence violated national sovereignty. Despite the Ecuadorean congressional resolution and further censure of

¹⁰⁰ Monte Hayes. "Impact of Earthquakes Still Shakes National Economy of Ecuador," in *Los Angeles Times*, 22 March 1987, 8. Available online: www.proquest.com Accessed 15 November 2003.

¹⁰¹ "Socialist Deputy Questions U.S. Troop Presence," G1.

¹⁰² Ibid.; "Deputy Aguas Rejects U.S. Military Presence," [text] Quito, Quito Radio [Spanish], 2300 GMT 12 May 1987 in *FBIS Latin America*, 15 May 1987, G1.

¹⁰³ Hey. *Ecuador*, 5.

presidential policy by the “Tribunal of Constitutional Guarantees,” Cordero did not break the terms of the memorandum and the U.S. forces remained until the agreed upon departure date.¹⁰⁴

B. ANALYSIS IN LIGHT OF HUMAN RIGHTS

Evaluation of the exercise’s promotion of human rights will examine the areas of objectives, interagency coordination, and host nation participation.

1. Objectives

In a rights based approach to development assistance, the objectives would support the host country in working towards its goal of providing “equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income.”¹⁰⁵ Even given the constraints on HCA to focus on training, it may have been possible for the residual benefits of the exercise to have supported such goals. The modification that was made to the exercise project, reconnecting an area of the country isolated by earthquake damage instead of constructing a coastal road to foster tourism, brought the project closer to one based on human rights.

However, the selection of the U.S. Army’s project in the Napo Province of Ecuador had a number of problems. The first was that it pulled resources away from the road being constructed by the Ecuadorean Ministry of Public Works. That project, which had been evaluated favorably by U.S. Army Engineers, had been under construction and was scheduled to receive bridges funded by OFDA.¹⁰⁶ This commitment was altered as the bridges were transferred to the Blazing Trails road when it was announced that the exercise road would be further to the south.¹⁰⁷

Another problem was that the scope of the project was impossible to complete given the training requirements and the amount of time available. The Task Force Commander acknowledged this when he said, “Our primary goal is training – but the host

¹⁰⁴ Ibid., 9.

¹⁰⁵ U.N. *Declaration on the Right to Development*, Article 8.

¹⁰⁶ OFDA, 70.

¹⁰⁷ Comfort, 144.

nation's expectations are that we will complete some major construction."¹⁰⁸ The misunderstanding appeared to exist not only with the host but also the senior American officials that initiated the project. Had the exercise been conducted in conjunction with the Ministry of Public Works project, it would have been a more supportive and collaborative undertaking.

2. Interagency Coordination

Planning for sustainable development is needed to avoid dependence on aid providers, which results in wasted effort and reduces the local people to merely aid recipients instead of active participants in their development. In 1988 Colonel John Schaufelberger, U.S. Army Corps of Engineers, identified a number of planning principles for civic action projects that promote sustainable development.¹⁰⁹ He emphasizes the training of local people to "develop in-country expertise . . . in operation and maintenance . . . engineering and construction," the use of locally procured materials to support the local economy and ensure maintainability, and the overarching goal of "useful facilities and improved host nation capabilities."¹¹⁰ Unfortunately, the application of such principles was not apparent in many civic assistance projects carried out in the 1980s.

A report by the General Accounting Office in 1994 noted the absence of planning for sustainable development in "some of the Southern Command's infrastructure projects" which "did not consider the host nation's ability to maintain them" with the result that "some of the buildings and roads were not used."¹¹¹ A specific example was that "hundreds of miles of road in Honduras and Panama" constructed by U.S. Army National Guard and Reserve soldiers from the 1980s "had not been maintained and sections had either eroded or washed away making the roads virtually impassable."¹¹²

¹⁰⁸ Penelope Schmitt. "Across the Andes with Task Force 1169," in *Engineer*, vol. 17 (March 1988), 17.

¹⁰⁹ John E. Schaufelberger. "Engineers Build Stability in Troubled Regions," in *Engineer*, vol. 17 (March 1988), 9.

¹¹⁰ *Ibid.*, 9.

¹¹¹ General Accounting Office. *Weaknesses in Humanitarian and Civic Assistance Programs*, 4.

¹¹² *Ibid.*, 5.

If the interagency process had been stronger, if USAID had been involved in planning the exercise, would sustainability and other principles in agreement with a rights approach to development have been incorporated in the planning and execution of the exercise? In 1988 USAID's development policies favored market reform, privatization, and the promotion of democratic values such as "participatory development, the protection of human rights, and the strengthening of political and legal institutions."¹¹³ Taken as a general statement, it might seem that a stronger interagency process would have brought these democratic values into the exercise. A review of the specific USAID goals and programs at the time for the region suggest that the gains would have been more modest. The promotion of democracy involved assisting the economic stability in "fledgling Andean democracies" through balance of payments assistance and reinforcing the judicial systems through training programs.¹¹⁴ Other objectives for the region included improving health services, increasing agricultural production, and providing alternative programs for those involved in narcotics production.

Based on USAID practices at the time, had it been involved more in the planning of the exercise it is possible that sustainability could have been incorporated into the exercise. As a contracting agency, USAID could have established agreements for road maintenance, as it had done with private enterprises in Costa Rica, or the provision of health care in West Napo Province, with arrangements similar to those it had made with Project Hope in Grenada.¹¹⁵ Minimally, a stronger interagency process may have placed an emphasis on providing vaccination records to local clinics, and fostered coordination of the exercise with a wider range of representatives of the host nation.

3. Host Nation Participation

The inclusion of local people and service providers is essential in planning. Their insights on local conditions and capacities, identification of needs, and commitment to maintaining the project are important in ensuring that the project assists in the long-term development of the people. A rights approach to development cooperation keeps in mind that the outsiders who come in to offer support must respect the people and their

¹¹³ Agency for International Development. *Congressional Presentation: Fiscal Year 1988*. (Washington, D.C.: U.S. Government Printing Office, 1987), 2.

¹¹⁴ Ibid., 586, 18, 607.

¹¹⁵ Ibid., 836.

institutions, traditions, and goals. It also sees the “mutually reinforcing interrelationship between development, democracy and human rights” and strives for shared decision making, “dialogue and transparency.”¹¹⁶ It involves members of the local population, including women, the poor, and indigenous persons, as well as grass roots organizations and non-governmental organizations in the planning and decision making process.¹¹⁷ Local government officials, particularly those who would be maintaining the project once it has been completed, are also involved.

How could such an approach have entered in to the planning of the exercise? There was a network of indigenous and religious organizations that were active in the region where the exercise took place that included CONAIE, Catholic Relief Services, and an Evangelical mission.¹¹⁸ In addition to the Ecuadorean Army Corps of Engineers, which served as the principal host nation liaison for the exercise, the provincial government and the Ministry of Public Works were governmental entities active in the region and Congress had responsibilities to the region as well. A rights approach would not have left dialogue as an option but made it an integral part of the planning process. Had contact been made with members of these organizations that led to their participation in the planning, the exercise could have been tailored to assist the local people in addressing their needs and the increased transparency might have reduced the suspicion and opposition that surrounded Opening Roads.

In the late planning stages, dialogue with the Ministry of Public Works might have led to a combined effort on their road or at least not diverting the bridges. On a smaller scale, with input from the local people, the location and design of the camp set up for the exercise could have been arranged so that once the exercise was over it would be useful to the local population. The earlier a dialogue had been established, the easier it would have been to adjust the plans to address local needs.

¹¹⁶ World Conference on Human Rights, II, 73.

¹¹⁷ United Nations. *Declaration on Development*, Article 8; United Nations World Conference on Human Rights, Vienna Declaration and Programme of Action. Available online: www.unhchr.ch/huridoca.nsf Accessed 17 July 2003, I, 20; I, 25; II, 73.

¹¹⁸ Comfort, 143-144.

C. CONCLUSION

Exercise Opening Roads, while assessed as a success by the Task Force that executed it, contributed to the volatile domestic political climate in Ecuador. The interagency process concentrated on allowing the exercise to take place rather than coordinating the efforts of the Task Force with the objectives of USAID. Host nation participation in the planning was concentrated in senior government officials and the Ecuadorean Army Corps of Engineers to the exclusion of the Foreign and Public Works Ministries, regional governments, Congress, and local organizations. The lack of transparency fostered suspicion about the real American objectives.

While the dispute between the executive and legislative branches in Ecuador would not have been solved by a human rights approach to the planning of the exercise, it could have avoided contributing to them. By allowing locally identified needs to guide project selection, broadening the dialogue with local organizations and service providers, and working towards sustainable development, the Task Force would have been able to both provide transparency to its objectives and maximize its contribution to Ecuador's development.

IV. EXERCISE NEW HORIZONS – NICARAGUA 1999

A. INTRODUCTION

American military involvement in Nicaragua in the twentieth century had taken the form of armed interventions and occupations, support for military regimes noted for their corruption and human rights abuses, and from 1980 to 1988, sponsorship of the contras against the Sandinista government in a civil war with over 30,000 mortal casualties. When Nicaragua established a democratic government in 1990, the Sandinistas remained a powerful political force as the party with the second highest number of seats in the unicameral National Assembly. An opportunity for a turning point in American relations with Nicaragua came in the aftermath of Hurricane Mitch in October 1998. The United States mounted a relief effort in the region of unprecedented scale involving over 5,000 military and civilian personnel and a budget of \$ 312 million. However, delays in the American response and a weak public affairs program gave disproportionately higher recognition to the relatively minor contributions of other states, such as Mexico.¹¹⁹

During the rescue and relief stage, from October to December 1998, the Nicaraguan people received the American military's assistance with surprise and appreciation. But as the floods ebbed and the hurricane recovery stage began in January 1999, the previously latent animosity towards the American military held by many in Nicaragua resurfaced. One village rejected the offer of medical assistance by American military personnel in January as its people shouted "Yankees out of Nicaragua" and "Here and there, dead Yankees everywhere."¹²⁰ President Bill Clinton's visit to the region in March was followed by unrest in the capital city of Managua as the leading

¹¹⁹ Department of State and Agency for International Development. *Interagency Review of U.S. Government Civilian Humanitarian & Transition Programs*. (January 2000). Appendix 2, page 5. Available online: www.dec.org/pdf_docs/PDABW490.pdf Accessed 3 March 2004.

¹²⁰ Agence France-Presse, "Nicaraguan Villagers force US Army Doctors to Leave." 7 January 1999. Available online: www.reliefweb.int Accessed 26 February 2004.

Nicaraguan newspaper reported that Clinton manifested “only hope and distrust” to Nicaragua while “dollars and expressions of cordial relations” were extended to neighboring Honduras.¹²¹

It was in this setting that the American military was finalizing its plans to extend its Central American Humanitarian and Civic Assistance program, New Horizons, to Nicaragua. The exercise was scheduled to be conducted between 5 May and mid August 1999 in an impoverished region that had been seriously effected by the hurricane. The same region, in the vicinity of Esteli in northern Nicaragua, was the birthplace of the Sandinista movement, where hostility towards the American military had been handed on by generations who fought American or pro-American forces from the 1920s through the 1980s.

Given the inveterate antipathy held by many in Nicaragua, particularly in Esteli, it may seem surprising that exercise New Horizon was largely successful. While there was a delay in commencing the exercise, it demonstrated goodwill and fostered amicable relations with Nicaragua. This chapter will discuss the objectives, interagency process, host nation coordination, and local political conditions that were involved in the outcome. Then a comparison between this project and a human rights based program will be made.

1. Objectives

The objective for New Horizons 99, as reported by the Defense Department to the General Accounting Office, was a direct reflection of the statutory requirement, identifying the primary purpose as improving readiness with incidental benefits to the host nation.¹²² On the other hand, an official Defense Department news release identified the goal of New Horizons 99 as “helping our neighbors progress on their road to recovery.”¹²³ A more complete presentation of the exercise objectives requires

¹²¹ “Bad Feelings in Managua Over Better Treatment White House Offered Honduras,” Managua, La Prensa (internet version) [Spanish], 12 March 1999 in *FBIS Nicaragua Press Highlights*, 12 March 1999.

¹²² General Accounting Office, National Security and International Affairs Division. *Military Operations: DOD’s Disaster Relief Assistance in Response to Hurricane Mitch*. NSIAD-99-122R. 29 March 1999. (Washington, D.C.: Government Printing Office, 1999), 3.

¹²³ Department of Defense. “DOD EXPANDS DISASTER SUPPORT FOR HURRICANE-STRICKEN COUNTRIES,” 4 March 1999. Available online: www.defenselink.mil/news/Mar1999 Accessed 4 March 2004.

considering the current standard operating procedures in Southern Command as well as the practices of Army Civil Affairs officers.

The objectives for exercise New Horizons – Nicaragua in 1999 set by U.S. Southern Command incorporated the statutory requirements for Humanitarian Civic Assistance in a framework that recognized that nearly every aspect of the exercise involved enhancing the readiness of the forces involved. A wide range of explicit strategic and operational objectives were delineated in the standard operating procedures that expanded the training to include not only unit leaders, logisticians, engineers, and medical personnel in the traditional tasks involved in mobilization, deployment, construction, the provision of medical assistance, and redeployment, but unit leaders and those in the civil and public affairs specialties in the provision of humanitarian assistance and fostering regional relations.

In providing humanitarian assistance the strategic level training objectives included meeting the conditions of interoperability, foreign government support, and supportive foreign public opinion.¹²⁴ The corresponding standards included having all of the “units trained to perform HCA activities,” half of the “project effort provided by host nation personnel,” full completion of planned and funded projects, and all of the projects being “deemed to be a long term investment” that would be estimated to continue to “have pay off five years after completion.”¹²⁵ As will be discussed below, project viability and sustainability were significant planning factors.

An operational level objective of providing public affairs included the standard of having all “requests for information from organizations and private citizens answered” and the objective of fostering regional relations included a standard of interagency involvement.¹²⁶ The Commander of Joint Task Force Esteli, Lieutenant Colonel Alan Rogers of the 216th Engineer Battalion, Ohio National Guard, was fully conscious of the

¹²⁴ U.S. Southern Command, Directorate of Joint Training and Exercises, *Standard Operating Procedures for Joint and Combined Engineer and Medical Training Exercises* (September 1988). 38.

¹²⁵ Ibid.

¹²⁶ Ibid., 42, 37.

strategic objectives of the exercise: “We know what we do will help determine relations between the two countries . . . We are building more than just roads and schools. We’re building trust.”¹²⁷

As the objectives including fostering regional relations, they also addressed enhancing the host nation’s economy. In the opinion of Major Robert Crowley, the United States Army Civil Affairs officer who served as the Southern Command Humanitarian and Civic Assistance Coordinator, “The training value to deployed U.S. forces is of statutory importance equal to that of improving host nation economic and social sectors.”¹²⁸ To meet the standard of project sustainability within the constraints of a lack of either training and equipment resources or the authorization for the military to provide them, Civil Affairs officers incorporated the innovation of establishing cooperative relationships with non-governmental organizations. Major Crowley worked extensively with the Florida Association of Volunteer Agencies for Caribbean Action (FAVA/CA) to enhance the HCA conducted in New Horizons-Nicaragua 1999 by arriving at a plan for the training and equipping of local medical personnel that would staff the clinic that was to be constructed.¹²⁹ Collaboration with non-governmental organizations became an integral component of project sustainability.

The objectives for the exercise, which involved the construction of a road, clinics, and schools by National Guard and reserve forces in Nicaragua during its hurricane recovery stage in 1999 included not only enhancing the readiness of logisticians, engineers and medical personnel. It also involved unit leaders as well as civil and public affairs specialists in their ability to provide humanitarian assistance and foster regional relations as set forth in the Southern Command Training Objectives. The introduction of cooperative relationships with non-governmental organizations facilitated attainment of the previously unattainable aspect of project sustainability.

¹²⁷ John Goheen. “Buckeye Breakthrough,” in *National Guard*, vol. 53, no. 7 (July 1999). 19.

¹²⁸ Loomis, 37.

¹²⁹ Ibid., 39.

2. American Interagency Coordination

American interagency coordination for Exercise New Horizons – Nicaragua 1999 was built on the foundations of recent military experiences with and commitments to an interagency process as well as the working relationships that had been established in Nicaragua immediately following the hurricane. This resulted in the involvement of the country team, including United States Agency for International Development (USAID) representatives and embassy public affairs personnel, in many aspects of planning and executing the exercise. Because Department of State and USAID personnel were integrated in the planning process, this section will also review their region and state specific goals and their impact on the planning of New Horizons.

In the post Cold War relief and peacekeeping operations, military commanders, civil affairs officers, and operations officers had routinely dealt with the challenges of coordinating intergovernmental, governmental, military, and non-governmental organizations activities. The emphasis placed by the Department of Defense on civil-military coordination was evident in the establishment of the Center for Hemispheric Defense in 1997 for the training of civilian professionals in defense matters and the United States Pacific Command's Center of Excellence in Disaster Management and Humanitarian Assistance that provided training for both military and civilian personnel. Within Southern Command personal experiences with civil-military coordination was in the profile of its Commander in Chief, General Charles E. Wilhelm, United States Marine Corps, who had served as the Commander of Marine Forces, Somalia, during Operation Restore Hope and Major Crowley had been the Chief of Current Operations for the Combined-Joint Civil-Military Coordination Center at the North Atlantic Treaty Organization's Implementation Forces Headquarters in Sarajevo, Bosnia-Herzegovina. In addition to the background of individuals, Southern Command worked towards incorporating institutional memory as well as training in interagency responses to disasters and humanitarian assistance when it established the Center for Disaster Management and Humanitarian Assistance in 1998.¹³⁰ While the Center's training

¹³⁰ Melinda Hofstetter, "International Hands meet to Educate Military Responders," *The Liaison*, Vol. 2, no. 3. Available online: www.coe-dmha.org/Liaison/Vol_2No_3/Feat05.htm Accessed 4 March 2004.

efforts did not predate the planning for New Horizons-Nicaragua 1999, its existence points to the importance given to civil-military collaboration by Southern Command since 1998.

Southern Command's "Civil Affairs Guidance" that was current during Hurricane Mitch required the coordination of operations and their prioritization, with an emphasis on enhancing long term development, through embassy offices as well as host nation agencies.¹³¹ Measures were taken in multiple levels of command to facilitate interaction between civilian and military leaders and advisors. A prime example of this was the Office of Foreign Disaster Assistance's provision of liaison officers at Southern Command headquarters and in each Military Group participating in the hurricane relief.¹³²

In the subordinate command in Nicaragua, Task Force Build Hope the operations officer, Major Jeff Eckstein, described high levels of interagency coordination. Representatives from the Task Force participated in "weekly meetings of the country team and reconstruction team at the embassy" as well as "working groups [that] included Nicaraguan officials, embassy personnel, task force staff, and non governmental organizations."¹³³ Coordination between the participants brought a wealth of experience and points of contact to the military planners, reconciled unrealistic host nation expectations with the parameters of American military assistance and engaged the capacities of the embassy's public affairs staff. The public affairs program included the Task Force Commander's participation in "press conferences held by the Nicaraguan government at the start and completion of every mission" and arranging for the local media to visit the mission sites.¹³⁴

Planning for exercise New Horizons in Central America involved a six-year cycle and did not include scheduling projects in Nicaragua until after Hurricane Mitch. The short lead-time meant that working groups for New Horizons-Nicaragua 1999 met during

¹³¹ Melinda Hofstetter, *Building Alliances Amidst Destruction: A Status Report from Hurricane Mitch*. Discussion Paper No. 9. (Washington, D.C.: Joint Military Intelligence College, 2000), 19.

¹³² Ibid., 13.

¹³³ Jeff Eckstein. "Operation Fuerte Apoyo: Disaster Relief in Nicaragua." Available online: www.fas.org/man/dod-101/ops/docs99/a Accessed 4 March 2004. 3.

¹³⁴ Ibid., 6.

the relief stage and relied heavily on members of the country team from the State Department as well as USAID. Because the goal involved not only avoiding duplicating other efforts by the American government but also supporting the country plan, a review of U.S. foreign policy priorities in the region is in order. Among the hemispheric objectives the State Department identified were “linking disaster relief and humanitarian assistance with development cooperation” and improving “equity of access to basic packages of health care through improved health care systems and sustainability” provided by non-governmental organizations and the public sector.¹³⁵ A specific objective for health in Nicaragua was “focus[ing] on improving access to health care among the poor.”¹³⁶ State Department Counselor, Ambassador Wendy Sherman, emphasized the encouragement being given to Nicaragua to provide transparency as a safeguard against corruption and include “local governments and non-governmental organizations” in the decentralized planning for the provision of services.¹³⁷

In terms of policy, Department of State members of the country team had considerable influence on the exercise, particularly the American Ambassador to Nicaragua, Lino Gutierrez who had final authority. However, because the exercise involved the provision of assistance, U.S. military planners dealt more extensively with USAID members of the team. That USAID and Task Force New Horizons had a strong working relationship was supported by references to this in the Congressional Presentation and a statement by the U.S. delegation to the Consultative Group on the Reconstruction and Transformation of Central America.¹³⁸

USAID policies supported and further specified the objectives established by the State Department in the Annual Performance Plan, Congressional Presentation, and official statements. The USAID Annual Performance Plan’s Strategic Goal addressing

¹³⁵ Department of State. *Congressional Presentation for Foreign Operations: Fiscal Year 2000*. (Washington, D.C.: Government Printing Office, 2000), 832, 839.

¹³⁶ *Ibid.*, 911.

¹³⁷ Information Agency. “Transcript: U.S. Officials on Central America Hurricane Relief,” (29 January 1999). Available online: www.reliefweb.org Accessed 4 March 2004.

¹³⁸ Agency for International Development. “Congressional Presentation 2000: Nicaragua.” 7-8. Available online: www.usaid.gov/pubs/cp2000/lac/nicarag.html Accessed 27 February 2004.; Agency for International Development. “Statement of the U.S. Delegation to the Consultative Group on the Reconstruction and Transformation of Central America,” (28 May 1999). 4. Available online: www.reliefweb.int Accessed 24 February 2004.

“lives saved, suffering associated with actual or man-made disasters reduced, and conditions for political and/or economic development reestablished” called for the “reestablish[ment] of security, and basic institutions to meet critical needs and basic rights.”¹³⁹ Discussion of the goal included the following observation:

Improving U.S. assistance to transition countries has required USAID to link emergency relief to longer-term development activities. Relief programs are increasingly incorporating the development principles of capacity building, participation, and sustainability to accelerate reestablishment of people’s livelihood and self-sufficiency.¹⁴⁰

The section of the subsequent budget request justification dealing with Nicaragua identified a special focus on the “geographical area most affected by Mitch, which also coincides with the area of highest level of poverty” and the goals of strengthening “democracy, economic growth, health, and education” through programs that involved the participation of civil society and the decentralization of government services.¹⁴¹ Indeed the effort was to give “renewed attention to the participation of all people . . . in the rebuilding of their communities and the nation” and to “ensure that the maximum amount of assistance goes through local governments to the community level.”¹⁴²

The principles of focusing aid on the least advantaged, planning for sustainability, capacity building, and community participation were incorporated in the planning for exercise New Horizons-Nicaragua 1999. After coordinating the elements of the exercise that focused on the Army’s direct contribution in construction of a road, schools, and clinic in a disadvantaged rural region that had been hard hit by the hurricane, meetings and site visits were scheduled for the portion of the project that was to be executed by a private volunteer organization. Representatives from Southern Command, the State of Florida, and FAVA/CA made a trip from Florida to Nicaragua in March 1999. The group visited the planned site and “conducted initial coordination with the local Ministry of Health representative to identify needs that FAVA/CA can fill in support of the planned

¹³⁹ Agency for International Development, Bureau for Policy and Program Coordination. *U.S. Agency for International Development ANNUAL PERFORMANCE PLAN for FY 2000*. (28 February 1999). 20. Available online: www.dec.org/pdf_docs/PDABQ987.pdf Accessed 27 February 2004.

¹⁴⁰ *Ibid.*, 20.

¹⁴¹ USAID, “Congressional Presentation 2000.” 2, 1, 7.

¹⁴² USAID, “Statement,” 6. USIA. “Transcript,” 5.

HCA projects.”¹⁴³ Subsequent meetings with the Deputy Chief of Mission and the USAID Director were also positive and reflected a consensus that FAVA/CA’s partnership with Southern Command would “improve the long term viability and sustainability of our HCA projects.”¹⁴⁴

During the trip preliminary plans for the partnership were drafted. FAVA/CA would send teams, supported by the Task Force, to Nicaragua to identify training and equipment needs. A training plan and equipment lists would be developed, and solicitations for trainers and equipment donations would be made in Florida. Southern Command would coordinate the delivery of donated goods and FAVA/CA would send volunteers to conduct the training. In August of 1999 FAVA/CA provided the training to staff at the clinics that had been built during New Horizons.¹⁴⁵ The partnership with Southern Command was based on a “shared vision and solid commitment to sustainable human initiatives” that FAVA/CA described as “going beyond traditional military and social agency roles in a new team with a human face and a ‘no strings attached mentality.’”¹⁴⁶

3. Host Nation Participation

Host nation participation in the planning of the project included national and community leaders representing the civilian government, the military, and civil society. Nicaraguan President Arnoldo Aleman was receptive to the exercise and the ministries of Defense, Foreign Affairs, Health and Education, and Culture were involved in coordinating the exercise with the American country team and Southern Command. The Nicaraguan Ministry of Health, which had demonstrated leadership throughout the hurricane relief and recovery coordination efforts, was involved in planning the American military exercise in Managua as well as in Esteli.¹⁴⁷ As previously mentioned, local

¹⁴³ Robert Crowley, “Trip Report: USSOUTHCOM and FAVA/CA Honduras and Nicaragua 27 Feb – 3 Mar.”

¹⁴⁴ Ibid.

¹⁴⁵ Crowley, “Meeting Summary: FAVA/CA and SOUTHCOM HCA,” (13 January 2000).

¹⁴⁶ Florida Association of Volunteer Agencies for Caribbean Action. “SOUTHCOM FAVA/CA Partner on Humanitarian Assistance.” Available online: www.favaca.org/country/Nicaragua.html Accessed 5 January 2004.

¹⁴⁷ Pan American Health Organization, “Health Achievements in Central America.” (24 February 1999). Available online: www.reliefweb.int Accessed 4 March 2004.

Ministry of Health officials as well as community members participated in the site survey with the group from Florida. The cooperative planning effort was designed to determine whether the project was “supportable by the existing social infrastructure” and to ensure that it did not “conflict with traditional customs or patterns.”¹⁴⁸

Continuing with the practices established during the hurricane relief stage, in addition to inclusion in the planning process, arrangements were made for the host nation to be involved in publicizing the event and conducting a project assessment. Three days after the Government of Nicaragua finalized authorization for the exercise, the United States embassy issued a press release that provided transparency to what the American military would be doing.¹⁴⁹ It identified the exercise, the port of debarkation, the rotation plan for the participating reservists, the amount of equipment that was going to be brought in, the sites for the exercise, the type of assistance that was going to be provided and the completion date. It also listed the four Nicaraguan ministries that had been involved in coordinating the event. The American Ambassador also conducted a press conference at the site, accompanied by the Nicaraguan Ministers of Defense and Education as well as the Nicaraguan Army Chief of Staff, on 4 June 1999.¹⁵⁰ Ambassador Gutierrez’s remarks acknowledged that the exercise marked a new chapter in relations between the two countries with assistance deemed appropriate and facilitated by the Nicaraguan government.

Host nation participation was marked by coordination in planning and public affairs at the national and local levels. This facilitated consideration of the concerns of the Nicaraguan government and recognition for their contributions. The principal challenge for the host nation was in authorizing the presence of American military forces, which was the result of partisan politics.

¹⁴⁸ Loomis, 39.

¹⁴⁹ United States Embassy in Nicaragua, “Practicas Humanitarias ‘Nuevos Horizontes’ Comienzan en Nicaragua.” (14 May 1999). Available online: http://usembassy.state.gov/managua/wwwhp9_1.html Accessed 27 February 2004.

¹⁵⁰ United States Embassy in Nicaragua, “Palabras del Embajador Lino Gutierrez: Ceremonia de Inauguracion del Ejercicios de Nuevos Horizontes.” (4 June 1999). Available online: http://usembassy.state.gov/managua/wwwhd9_2.html Accessed 27 February 2004.

4. Local Political Conditions

The political dispute over whether or not to authorize the American military to conduct its humanitarian assistance exercise centered on two political figures in Nicaraguan politics, President Aleman and the leader of the Sandinista party, Daniel Ortega. Aleman, the second president to be elected since the post-Sandinista government, had been a long time political adversary of the Sandinistas. Hostility towards Aleman marked his inauguration when a former Sandinista security official attempted an assassination. While not carrying out acts of violence, Ortega had hinted at the Sandinistas taking up arms against the government in April of 1998 and 1999.¹⁵¹ The event that prompted the most recent threat was the death of two strikers at the hands of police during a national transportation worker's strike. The government responded to the disorder with a strengthened police presence in the cities and the deployment of 5,000 soldiers to guard sites of strategic significance. It was under these circumstances that debate on ratifying the Presidential Decree authorizing a foreign military presence for humanitarian reasons "under the control of the Nicaraguan Army," as required by the Constitution, took place.¹⁵²

Debate in the National Assembly continued past the planned starting date for the exercise of 5 May, and was not resolved until 11 May. It was a "deep ideological debate between the Liberals and the Sandinistas."¹⁵³ Ortega, who had expressed appreciation for the American military effort during the relief stage, returned to the rhetoric he voiced when the offer of American assistance had been made. He claimed that American soldiers would conduct espionage, spread the acquired immunodeficiency syndrome, and take jobs away from Nicaraguans.¹⁵⁴ A principal proponent of the American exercise was the former Sandinista and current Army Chief of Staff, General Joaquin Cuadra. His

¹⁵¹ Robert T. Buckman. *Latin America 1999*. 33rd. ed. (Harpers Ferry: Stryker-Post Publications, 1999), 182-185.

¹⁵² "Constitution Tangles Fight Against Drugs," Managua, *El Nuevo Diario* (internet version) [Spanish], 13 March 1999 in *FBIS Nicaragua Press Highlights*, 13 March 1999; "Confusing Explanation on Admitting Foreign Military," Managua, *El Nuevo Diario* (internet version) [Spanish], 1 May 1999 in *FBIS Nicaragua Press Highlights*, 1 May 1999.

¹⁵³ "Hot Political Debate Over Return of Marines," Managua, *La Prensa* (internet version) [Spanish], 12 May 1999 in *FBIS Nicaragua Press Highlights*, 12 May 1999.

¹⁵⁴ Goheen, 21-22.

initial skepticism towards offers of American military assistance was dispelled by his experience with the forces during the relief stage and his involvement in planning the exercise.¹⁵⁵

The National Assembly's ratification stipulated the degree of control that would be exercised by the Nicaraguan Army and the terms that would be used to describe the American forces. To assert national sovereignty, the Nicaraguan Army would place "three rings of security around the base camp" and an armed escort in every American military vehicle leaving the camp.¹⁵⁶ In addition, the American National Guard Units were not to be called "National Guard" because of the name's connotations with Somoza's forces.¹⁵⁷ The ratification was announced approvingly by the press because it observed the rule of law, was an expression of American "solidarity with the people" that would provide "roads, schools and clinics."¹⁵⁸

B. ANALYSIS IN LIGHT OF HUMAN RIGHTS

This section will provide a definition of human rights and analyze the extent to which exercise New Horizons-Nicaragua 1999 promoted human rights. Evaluation of New Horizons-Nicaragua's promotion of human rights will examine the four areas of objectives, interagency coordination, host nation participation, and local political conditions.

1. Objectives

In a rights based approach to development assistance, the exercise objectives would be based on collaborative planning that supported the host country in working towards its goal of providing "equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income."¹⁵⁹ While the Nicaraguan government had not formalized its human development goals it was making progress in this area. It had applied for a grant from the

¹⁵⁵ Ibid., 22; Virgil L. Packett and Timothy M. Gilhool, "Diplomacy by Other Means: JTF Aquila Responds to Hurricane Mitch," in *Military Review*, vol. 90, no. 2 (March-April 2000). 4. Available online: www-cgsc.army.mil/milrev/english/MarApr00/insights.asp Accessed 7 March 2004.

¹⁵⁶ Goheen, 23.

¹⁵⁷ Howard La Franchi, "Making a New Reputation for US in Nicaragua," (Boston) *Christian Science Monitor*, 15 July 1999, p. 13.

¹⁵⁸ Goheen, 22.

¹⁵⁹ U.N. *Declaration on the Right to Development*, Article 8.

United Nations Development Program to fund a Human Development Report that would specify national goals and assist in developing plans to attain them.¹⁶⁰ Two documents that indicated human development priorities were the Constitution and the charter of the Social Protection Net. The Nicaraguan Constitution had been amended in November of 1994 to guarantee the “rights of primary and secondary education and free health care for all citizens.”¹⁶¹ The Social Protection Net, which was to be funded by the Inter-American Development Bank, would assist poor families through improving health and education services in the most impoverished areas.¹⁶²

The emergent requirements due to damage brought by Hurricane Mitch included “water and sanitation systems, health facilities and schools.”¹⁶³ While not in a comprehensive manner, Exercise New Horizon addressed these needs by constructing schools, health clinics, and wells. Most importantly, with the exception of the need for housing, American governmental assistance addressed needs identified by the host nation.¹⁶⁴

2. Interagency Process

The American interagency process that was implemented during the planning for the exercise gave emphasis to a number of principles that are congruent with a human rights approach to development. The operative principles included sustainability, coordination with national and local host nation service providers, “equity of access” to basic services, capacity building, participation, and transparency.¹⁶⁵ The inclusion of local people and service providers is essential in planning but absent the goal of promoting sustainable development can lead to dependence. Their insights on local conditions and capacities, identification of needs, and commitment to maintaining the project are important in ensuring that the project assists in the long-term development of

¹⁶⁰ “Development Report for 2000,” Managua, La Prensa (internet version) [Spanish], 17 June 1999 in *FBIS Nicaragua Press Highlights*, 17 June 1999.

¹⁶¹ Arthur S. Banks, ed. *Political Handbook of the World: 1999*. (New York: CSA Publications, 1999). 710.

¹⁶² “\$26 Million for Social Cushion,” Managua, La Prensa (internet version)[Spanish], 17 June 1999 in *FBIS Nicaragua Press Highlights*, 17 June 1999.

¹⁶³ USAID, “Congressional Presentation 2000,” 7.

¹⁶⁴ Molly Moore. “Desperate Victims Still Await Aid Nine Months After Hurricane,” *Washington Post*, 3 August 1999, A3.

¹⁶⁵ Department of State, *Congressional Presentation for Foreign Operations 2000*, 839.

the people. Planning for sustainable development is needed to avoid dependence on aid providers, which results in wasted effort and reduces the local people to merely aid recipients instead of active participants in their development. Through the partnership with FAVA/CA, which provided equipment and training for the medical staff, the project was able to incorporate both sustainability and capacity building in its medical component. Whether there were similar requirements for the schools, wells, and road was not addressed in the reports.

3 Host Nation Participation

A rights approach to development cooperation keeps in mind that the outsiders who come in to offer support must respect the people and their institutions, traditions, and goals. It also sees the “mutually reinforcing interrelationship between development, democracy and human rights” and strives for shared decision making, “dialogue and transparency.”¹⁶⁶ It involves members of the local population, including women, the poor, and indigenous persons, as well as grass roots organizations and non-governmental organizations in the planning and decision making process.¹⁶⁷ Local government officials, particularly those who would be maintaining the project once it has been completed, would also be involved.

While coordination with local ministerial representatives was evident, the level of participation by local members of civil society during exercise planning, including the site visits, was not clear in my research. Through the public affairs efforts of the embassy staff, full details of the project were made known to the Nicaraguan media. The favorable coverage of the exercise in the Nicaraguan media and the cumulative beneficial effects of American military assistance, particularly in light of the failure of numerous other donors to deliver promised aid, were important to the transparency and desirability of the exercise.¹⁶⁸

C. CONCLUSION

Exercise New Horizons-Nicaragua 1999 demonstrated the potential for American military humanitarian assistance to promote the economic human rights of the citizens in

¹⁶⁶ UN, World Conference on Human Rights, II, 73.

¹⁶⁷ UN, *Declaration on Development*, Article 8; UN, World Conference on Human Rights, I, 20; I, 25; II, 73.

¹⁶⁸ Packett, 4.

the host country. Developments in civil-military cooperation, particularly the coordination of planning by USAID and the U.S. Southern Command and the innovation of partnering with private voluntary organizations, provided new exercise objectives and planning principles. A major breakthrough was overcoming the restrictions on the transfer of equipment and the provision of training by the military through the partnership with the Florida Association of Volunteer Agencies for Caribbean Action.

Host nation participation in the planning included the national ministries but at least in the medical component, was decentralized and focused on the Ministry of Health representatives that would actually staff the clinics. Accountability to these ministries, which had evaluated completed projects during the relief stage, continued as a component of the military humanitarian and civic assistance program.¹⁶⁹ The transparency of the project, which was particularly important given the hostility held by many Nicaraguans towards the American military, promoted their receptivity towards the exercise.

While the planning for the exercise may not have envisioned the promotion of economic rights as one of its objectives, it did set out to promote the economic development of the nation, particularly in the regions with the greatest need. In the planning and execution of the exercise, the participation of the host nation's service providers, sustainable development, transparency, and accountability were operative.

¹⁶⁹ Eckstein, 6; Loomis, 39.

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V. COMPARATIVE ANALYSIS

Opening Roads – Ecuador 1986 and New Horizons – Nicaragua 1999 were Humanitarian and Civic Assistance exercises conducted by United States Southern Command in the wake of natural disasters. The statutory guidance for HCA remained constant and both cases involved local political conditions in host nations where the second democratically elected president welcomed American assistance while, in the legislatures, the opposition parties did not favor the presence of the United States military. But there were dissimilarities that contributed to diverging outcomes both in terms of effectiveness and the level of agreement with the emerging human rights agenda.

A. VARIATIONS IN THE CASES

There were four areas of variation in the cases: (1) strategic environment, (2) objectives, (3) interagency process, and (4) level of host nation participation. The strategic environment had changed dramatically from 1986 to 1999. The twelve years that separated the cases were marked by the end of the Cold War and the rising significance and incidence of American military operations undertaken for humanitarian and peacekeeping purposes to foster stability in such places as Somalia and the Balkans. The new mission objectives included ensuring the delivery of food, protecting populations that had been displaced by conflict or disaster, and coordinating the provision of basic material needs to refugees. Rather than acting alone, during the planning and execution stages of these missions, the military worked in conjunction with governmental, intergovernmental, and non-governmental organizations and agencies to fulfill the objectives. Military commanders and their staffs became accustomed to working in an interagency process and came to appreciate the capacities of the various non-governmental organizations to address certain needs as well as the challenges of coordinating their activities.

In this changed environment, adaptations were made to Southern Command's military exercise and nation assistance programs, including Humanitarian and Civic Assistance exercises. Where the major military exercise programs had emphasized bilateral training in "conventional combat scenarios," in 1995 they shifted to "multilateral exercises" involving "peacekeeping, humanitarian assistance, counter narco-trafficking,

and other more appropriate post-Cold War missions.”¹⁷⁰ The principal objectives of nation assistance exercises changed, according to Melinda Hofstetter, from “forestall[ing] insurgencies” to furthering democratization through civil-military operations with “civilian oversight . . . or at least strong [civilian] interaction.”¹⁷¹ The influence of these changes on the conduct of HCA exercises was evident both in the policy guidance as well as the practices that were developed.

The objectives for the HCA exercises in Ecuador in 1987 and Nicaragua in 1999 followed the statutory requirements that the training of American military forces was a primary objective and the principal secondary objective was providing residual economic benefits to the host nation. But there were significant differences in the cases as to what constituted “training” and the “residual economic benefits” from the exercise to the host nation. In 1987 training centered on developing the unit level skills of engineers in road construction and included movement to and from the site as well as maintaining the forces and their equipment. Training in 1999 incorporated requirements for engineers and logisticians as well as civil and public affairs officers in a context that identified the entire exercise as a training event that provided humanitarian assistance and fostered regional relations. In addition to the areas of logistics, security, and construction, assessment of the training in 1999 included gauging performance against standards for interagency involvement, support of the government and public opinion in the host nation, and responsiveness to requests for information by organizations and individuals.¹⁷²

While the exercise in Ecuador did include the objectives of providing a road as well as medical and veterinary treatment that would be of benefit to the people in the host nation, the statutory guidance was seen as a limitation. Because the medical and veterinary care was of direct benefit to the people and their livestock, the host nation was required to fund the vaccinations provided by American forces.¹⁷³ On the other hand, in Nicaragua the objective of providing economic benefits to the host nation did not

¹⁷⁰ U.S. Southern Command. “Operational Overview.” Available online: www.southcom.mil/pa/Facts/OpOverview.htm Accessed 7 April 2004.

¹⁷¹ Hofstetter, *Building*, 1.

¹⁷² U.S. Southern Command. *SOP for Joint and Combined Engineer*, Annex C.

¹⁷³ Hey, *Ecuador*, 3.

preclude American funding of medical supplies and included the requirement that the construction project would be a “long-term investment” that “continue[d] to have pay off five years after completion.”¹⁷⁴ The new understanding of the objectives placed an emphasis on interagency and host nation coordination, highlighted the role of the civil and public affairs specialties, and incorporated the principles of sustainability, transparency, and, to a lesser degree, participation.

The interagency process in Ecuador in 1987 focused on ensuring that the task force was not duplicating other efforts of the United States government, while in Nicaragua in 1999 it involved ongoing coordination of the American contributions to hurricane recovery. At the highest level, the American ambassadors in both cases were involved in the planning and provided authorization for the exercises, but coordination with the other members of the country team was stronger in 1999. In Ecuador most of the coordination appeared to have been between the U.S. Military Group, the Southern Command staff, and the commander of the task force. USAID distanced itself from the military because it did not focus on infrastructure projects, such as those planned in the HCA, and it did not want its efforts to be hampered by suspicions connected with the American military presence.¹⁷⁵

The interagency process in Nicaragua built on the strong working relationship between the country team and Southern Command that was established during the hurricane response. Reflecting the new emphasis placed on political and diplomatic concerns, Southern Command’s “Civil Affairs Guidance” specified that its operations would be “coordinated through existing U.S. embassy offices . . . and HN [host nation] agencies to select projects that best meet CINC’s intent and enhance country plans for long term development.”¹⁷⁶ The result was that the military sought and benefited from the expertise and experience of the members of the country team, including public affairs staff and USAID representatives.

Host nation coordination in Ecuador primarily dealt with meeting basic requirements at the highest level. The President of Ecuador and senior military officials

¹⁷⁴ U.S. Southern Command. *SOP*, 38.

¹⁷⁵ Kelley, *Changes*, 3; Smith, 86.

¹⁷⁶ Hofstetter, *Building*, 19.

coordinated the Memorandum of Understanding that authorized the American military presence. This excluded the Ministry of Foreign Affairs, the Ministry of Public Works, the Congress and local non-governmental organizations. Coordination in Nicaragua was far more inclusive and involved national and community leaders representing civilian government agencies, the military, and some representatives of civil society. The important role of the host nation in the planning process was broadcast during a press conference at an exercise location held by the American Ambassador with the Minister of Defense, the Minister of Education, and the Army Chief of Staff.

B. THE IMPACT OF THE EXERCISES

To what extent were the exercises effective and congruent with human rights? One means of measuring effectiveness is whether or not the military completed the training objectives it set forth and whether the construction project could be of use to the host nation. By means of self-assessment, both exercises could be deemed effective by these standards. But even in the 1980s, a broader conceptualization of effectiveness of HCA could have been derived from Secretary of Defense Carlucci's report to Congress that considered HCA benefits such as promoting democracy, "strengthening local government infrastructures and accelerating national economic growth."¹⁷⁷ The political impact of the exercises will be discussed in terms of the expectations of the government of the host nation, the strengthening of local infrastructure, and the promotion of democracy.

In Ecuador President Cordero was under the impression that the HCA was going to provide significant economic benefits to his nation, such as major road construction that would connect an isolated region or the transfer of technology.¹⁷⁸ The Task Force Commander was aware that there were faulty assumptions that had inflated the scale of what the American military was going to provide.¹⁷⁹ Beyond the assumptions, in the end there was the unfulfilled expectation that around eighty miles of road would be constructed instead of the six that was completed. This was based on modifications to the

¹⁷⁷ Department of Defense. *Report of the Secretary of Defense*, 78-80,

¹⁷⁸ Hey, Ecuador, 3.

¹⁷⁹ Schmitt, 17.

exercise plan, formally accepted by the government of Ecuador, stating the American military's intention to construct a road that would connect Hollin, Loreto, and Coca¹⁸⁰.

While it may be largely a matter of unintended consequences, the exercise did not promote democratic governance in Ecuador. The absence of transparency for the exercise fueled suspicion among members of the opposition party in the Ecuadorean Congress. President Cordero's decision to issue a decree authorizing the exercise contributed to a crisis in the government as both the Congress and the Tribunal for Constitutional Guarantees concluded that the decree was in violation of the Constitution. Additionally the road that was planned without coordinating with the Ministry of Public Works did not strengthen local infrastructure. The immunizations and vaccinations provided as part of the exercise were of benefit to part of the population and the short stretch of road and a bridge assisted those who wanted to cross the Hollin River in the vicinity of Archidona. However, the expectation that the exercise would connect an isolated region with a main center of commerce was not fulfilled, technology was not transferred, and the actions of the legislature and the courts indicate that the exercise did not promote democratic governance.

Effectiveness, as indicated by the meeting the expectations of the host government, strengthening local infrastructure, and promoting democracy was stronger in Nicaragua in 1999. Unrealistic host nation expectations of the benefits that would come from the HCA were reconciled during the planning stages in working groups led by the embassy that included Nicaraguan officials, members of the country team, and Southern Command staff. Local infrastructure was strengthened because the projects were designed to be sustainable, included national and local officials in planning, and incorporated a partnership with a non-governmental organization that would provide training and the transfer of equipment. Democracy was promoted by the inclusion of numerous host nation Ministries in the planning and providing transparency to the exercise through press releases, press conferences, and responding to inquiries. When the Nicaraguan Congress finally authorized the exercise, the government was lauded for its observance of the rule of law.¹⁸¹

¹⁸⁰ Ibid.

¹⁸¹ Goheen, 22.

In discussing the promotion of human rights by the exercises, it should be noted that in the 1990s Southern Command instituted a policy that required all American military personnel participating in exercises in the area of operations, as well as all foreign military personnel that received training from the United States, to receive instruction in such human rights topics as the law of war and prohibitions against torture. These requirements were observed in Nicaragua in 1999. Additionally, aid conditionality in support of human rights was observed in both Ecuador in 1987 and Nicaragua in 1999. In compliance with statutory guidance, the exercises were conducted in states whose governments were not considered guilty of “consistent pattern[s] of gross violations of internationally recognized human rights.”¹⁸² However, the aspects of human rights that will be assessed below focus on whether the two cases supported social and economic rights.

As discussed in the opening chapters, the United States is not in full agreement with the emerging human rights agenda that includes social and economic rights. The absence of an “express linkage to rights” is one of the principal reasons why American foreign development policies would not be considered a “rights approach to development” as defined by the United Nations High Commissioner for Human Rights.¹⁸³ However, there are areas of significant agreement. This section will utilize the human rights agenda promoted by the United Nations Development Program that it proposes should be integrated across United Nations programs, including those dealing with security and humanitarian relief, and consider points of congruence with principles that were operative in HCA in the two cases.¹⁸⁴ These are the “eradication of poverty . . . sustainable development . . . and good governance,” with the latter including decentralization, transparency and participation.¹⁸⁵

In the selection of the exercise sites, HCA in both Ecuador and Nicaragua were in agreement with the goal of eradicating poverty. By statute the economic benefits of HCA

¹⁸² *U.S. Code*, Title 22, Section 2304.

¹⁸³ UN. HCHR, “Rights-based approaches.”

¹⁸⁴ UN. Development Program, *Integrating Human Rights*, 3..

¹⁸⁵ *Ibid.*, 9.

seek to serve the “basic economic and social needs of the people.”¹⁸⁶ In practice, as was the case in both Ecuador and Nicaragua, the target populations for the benefits were selected because they were particularly economically disadvantaged. Both exercises provided assistance to people in remote areas whose economic means and social support had been adversely affected by natural disaster. The cases diverge in their promotion of sustainable development and good governance.

The HCA in Ecuador may have intended to provide a road that would be used and maintained but the planning and execution of the project neither promoted sustainable development nor good governance. The primary host nation organization involved in planning the exercise was the Ecuadorean Army Corps of Engineers. The Ministry of Public Works, which normally planned and maintained roads, was excluded from the planning process. The absence of the primary service provider in the planning process meant that there was no arrangement for the road and bridge to be maintained once the exercise was completed. The focus on military to military coordination at the national level and delays by the Ecuadorean Army in responding to inquiries from members of the Ecuadorean Congress offered weak support to the good governance practices of decentralization, participation, and transparency.

C. CONCLUSION

A strong contrast in the ability of an HCA to promote sustainable development and good governance is evident in the case of Nicaragua. Project sustainability was identified as a standard to be met and was an integral part of the planning process. The involvement of national and local Ministry of Health officials, members of the country team, Southern Command staff officers, and representatives of the Florida Association of Volunteers for Caribbean Action in planning the exercise and the continued operation of the clinic were in agreement with the principles of decentralization and participation. Once the clinic was constructed there were stakeholders who had participated in the planning that would receive the training and equipment needed to provide medical care to the local population.

Planning for sustainable development and good governance are points of agreement in the effectiveness of the project in Nicaragua, as defined above, and their

¹⁸⁶ *U.S. Code*, Title 10, Section 401.

congruence with social and economic rights. They also reflect American foreign policy and development assistance goals at the time that emphasized “linking disaster relief and humanitarian assistance with development cooperation,” improving accessibility to sustainable health care for the poor, capacity building, decentralization, transparency, and participation.¹⁸⁷ One might inquire, given that the outcomes could largely be presented in terms of the influence of American foreign development policy and interagency cooperation, why has this paper placed an emphasis on social and economic rights? My response is that the human rights approach is grounded in respect for the intrinsic dignity of the human person and provides an external and widely accepted standard that is not subject to changes in policy or the absence of interagency coordination.

Expecting the military to adopt a rights based approach to HCA would be unreasonable in light of the fact that this would not be consistent with the current American foreign policy regarding social and economic rights. However, there is evidence that a significant shift in HCA has taken place that has brought it closer to a rights based approach to development. The planning point that inquired what could be done to assist the local population while we are here has been modified to consider what could be done so that, when we depart, the host government, the local service providers, and non-governmental organizations can continue to meet basic needs. This incorporates sustainability and is conducive to promoting capacity building, strengthening local governance, and fulfilling basic rights, such as health care or education. Similarly, the task of obtaining authorization to conduct the exercise has been expanded to include consideration of the laws and customs of the host nation so that the conduct of the exercise models respect for the people and their institutions, including agencies of the civilian government and local service providers. The corresponding human rights themes include participation, transparency, and strengthening local governance.

To make these developments known and encourage continued efforts toward sustainability, it is recommended that they be included in the annual Department of Defense Humanitarian and Civic Assistance Program report to Congress. This might be done by noting the projects, particularly those involving the construction of buildings,

¹⁸⁷ Department of State. *Congressional Presentation for Foreign Operations: Fiscal Year 2000*, 832, 839.

that incorporated coordination with and the training of local service providers by the military or through a partnership with a government agency or non-governmental organization. Identifying the projects that included “HCA enhancement” would give increased visibility to this initiative and may increase its application.

Three areas of future research are recommended. The first is a study that would analyze HCA programs, including de minimis HCA, for their support of human rights throughout the geographic regions. Such a study would indicate the level of institutionalization of such programs as enhanced HCA as well as facilitate the incorporation of best practices across regions. A second possible area of research that is particularly significant in light of the war on terrorism is the degree to which the United States promotes human rights by aid conditionality. Finally, the post-conflict reconstruction efforts of the Department of Defense, both by uniformed personnel and civilian contractors in Afghanistan and Iraq, could be assessed for their support of the promotion of human rights.

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